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**THE IOWA JOURNAL OF HISTORY  
AND POLITICS**





THE  
IOWA JOURNAL  
OF  
HISTORY AND POLITICS

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## CONTENTS

### NUMBER 1—JANUARY 1908

The History and Principles of the Democratic Party of the Territory of Iowa	LOUIS PELZER	3
The History of Liquor Legislation in Iowa 1846-1861	DAN ELBERT CLARK	55
An Early Fugitive Slave Case West of the Mississippi River	JOHN C. PARISH	88
The Color Bearer of the Twelfth Iowa Volunteer Infantry	J. W. RICH	96
Some Publications		103
GREGORY— <i>Samuel Freeman Miller</i> (p. 103)	H. M. TOWNER	
WARE— <i>The Lyon Campaign in Missouri</i> (p. 106)	E. H. DOWNEY	
ABERNETHY— <i>A History of Iowa Baptist Schools</i> (p. 107)	DAN ELBERT CLARK	
ROWLAND— <i>Encyclopedia of Mississippi History</i> (p. 109)	JOHN C. PARISH	
<i>Michigan Historical Collections</i> (p. 111)	LOUIS PELZER	
<i>The English Settlement in the Illinois</i> (p. 113)	F. H. GARVER	
Americana—General and Miscellaneous		116
Western		124
Iowana		127
Historical Societies		133
Notes and Comment		153
Contributors		159

### NUMBER 2—APRIL 1908

The History and Principles of the Democratic Party of Iowa 1846-1857	LOUIS PELZER	163
The Autobiography of John Chambers. Edited with an Introduction	JOHN C. PARISH	247

Some Publications	287
JONES— <i>Reminiscences of the Twenty-second Iowa Volunteer Infantry</i> (p. 287) . . . . . E. H. DOWNEY	
EATON— <i>Grant, Lincoln, and the Freedmen</i> (p. 288) . . . . . DAN ELBERT CLARK	
SALTER— <i>Sixty Years and Other Discourses</i> (p. 290) . . . . . LOUIS PELZER	
FORDHAM— <i>Personal Narrative of Travels in Virginia, Maryland, Pennsylvania, Ohio, Indiana, Kentucky, and of a residence in Illinois Territory 1817-1818</i> (p. 292) . . . . . F. H. GARVER	
PARRISH— <i>The Great Plains. The Romance of Western American Exploration, Warfare, and Settlement 1527-1870</i> (p. 295) . . . . . JOHN C. PARISH	
Americana—General and Miscellaneous	297
Western	304
Iowana	307
Historical Societies	313
Notes and Comment	331
Contributors	335

### NUMBER 3—JULY 1908

The History of Liquor Legislation in Iowa 1861-1878 . . . . . DAN ELBERT CLARK	339
History of the Establishment of Counties in Iowa . . . . . FRANK HARMON GARVER	375
Some Publications	457
<i>Proceedings of the State Historical Society of Wisconsin at its Fifty-fifth Annual Meeting held November 7, 1907</i> (p. 457) . . . . . DAN ELBERT CLARK	
ABERNETHY— <i>Dedication of Monuments Erected by the State of Iowa</i> (p. 458) . . . . . JOHN C. PARISH	
THWAITES-KELLOGG— <i>The Revolution on the Upper Ohio, 1775-1777. Compiled from the Draper Manuscripts in the Library of the Wisconsin Historical Society</i> (p. 460) . . . . . E. H. DOWNEY	

## CONTENTS

vii

Americana—General and Miscellaneous	461
Western	467
Iowana	471
Historical Societies	478
Notes and Comment	496
Contributors	500

## NUMBER 4—OCTOBER 1908

The History of Liquor Legislation in Iowa 1878-1908	
DAN ELBERT CLARK	503
Some Publications	609
Americana—General and Miscellaneous	609
Western	614
Iowana	617
Historical Societies	624
Notes and Comment	638
Contributor	642
Index	643





THE IOWA JOURNAL OF HISTORY AND POLITICS

JANUARY NINETEEN HUNDRED EIGHT

VOLUME SIX NUMBER ONE



## THE HISTORY AND PRINCIPLES OF THE DEMOCRATIC PARTY OF THE TERRITORY OF IOWA.<sup>1</sup>

[The history of the separate Territorial governments, and of the Territorial system in general, remains to be written. We shall not understand the history of political parties in this country until the history of political parties in the Western States has received more attention. Nor have such topics as the admission of the Western States into the Union, the formation of their constitutions, and the sources of their political institutions been sufficiently considered. The West is a rich museum of political forms and experimentations that will reward study.—Turner's *The West as a Field for Historical Study in the Annual Report of the American Historical Association*, 1896, Vol. I, p. 285.]

In the political history of Iowa the decennium from 1836 to 1846 presents the successive stages of the growth, the organization, and the triumphs of a political party which during this period was in the ascendancy in national affairs. Likewise it illustrates the evolution of the political ideas and methods of a frontier community into those of a body politic with all the departments and machinery of a State government. Various States through their emigrants contributed to the stock of political ideas, principles, and methods of the people of Iowa Territory; while throughout this period the National government, through the power of its patronage and its appropriations, was nurturing its political ward in the principles and creed of the party in power. Territorial politics, therefore, becomes a detail as well as a background in the National picture of these ten years of American political history.

<sup>1</sup>The facts in this article are to a considerable extent based upon material collected by Professor Benj. F. Shambaugh for a documentary history of political parties in Iowa. For a parallel article on the Whigs, see the writer's *The History and Principles of the Whigs of the Territory of Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. V, No. 1, p. 46.



When the Iowa District became a part of the original Wisconsin Territory its area included the present State of Iowa, Minnesota and parts of North and South Dakota, and moreover its population was then increasing faster than that east of the Mississippi River. Governor Henry Dodge, of Wisconsin Territory, after assuming his duties ordered without delay a census to be taken of Du Buque and Demoine counties, which at that time comprised the Iowa District. The census returns gave to Du Buque County a population of 4274 and to Demoine County a population of 6257.<sup>2</sup> On September 9, 1836, Governor Dodge issued a proclamation apportioning to Du Buque County five Representatives and three members of the Council and to Demoine County seven Representatives and three members of the Council and designating October 10, 1836, as the time for an election of Representatives, members of the Council, and a Delegate to Congress.<sup>3</sup>

The proclamation of Governor Dodge for the first election in the Iowa District called forth a large number of announcements of candidates for the various offices, from Delegate to Congress to constables. The *Galena (Ill.) Gazette* in September, 1836, contained the announcements of Col. George W. Jones and Moses Meeker who were aspiring to represent the Territory of Wisconsin at Washington.<sup>4</sup> The Whigs, realizing their minority, began to nominate candidates for the various offices under such deceptive titles as "no party men", "fence men", etc. But the Democrats at once penetrated these masquerading tactics and issued the following call, which gives an excellent account of the political feeling then existing:—

<sup>2</sup> Shambaugh's *The First Census of the Original Counties of Dubuque and Demoine*, pp. 45, 82

<sup>3</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 50.

<sup>4</sup> *Du Buque Visitor*, Vol. I, No. 19, September 14, 1836.

*To the Democrats of Du Buque County:*

An important election is about to be held for the choice of Councilmen and Representatives in the Legislative Assembly of this new Territory. At such an important epoch as the first election for legislative officers for this vast scope of country, it is not proper that the Democracy of this county should stand idle, with their arms folded.—The price of liberty is eternal vigilance. The character of the first Legislative Assembly will have an important bearing upon the future political prospects of the States that will be formed from this Territory. The enemies of the people are always on the alert. They are always ready and anxious to plant their noxious principles wherever they will take root. Let not the Democracy of the county be stigmatized as too dull to apprehend their rights, or too indolent to maintain them. But, fellow citizens, be not deceived by hollow-hearted professions of friendship. We have been told that all who cry Father! Father! shall not enter the Kingdom of Heaven; neither shall those who cry “*Democracy*” and “*the People*” be considered as genuine disciples of Jackson and Jefferson. There are those who to effect a temporary object, may seem to adopt our principles, although they are at variance with their past conduct. Trust them not, they have clothed themselves with the lion’s skin, but elect them to office, and they will show by their braying what they are. You hear a great deal said, fellow-citizens, about “no party men”—that the citizens of this Territory have nothing to say in politics—and that the question should not be raised at the coming election. These are but the acts and snares and stratagems of a wily enemy. Examine the list of candidates offered. How many of them do you recognize as your political friends,—who stood by Jackson in “days of panic,” and good wishes now are for the success of the Democratic candidates, Van Buren and Johnson? Depend upon it those who are not for us are against us. “No party men” and “fence men” are always against the Democratic party—and we had better have an open enemy than a pretended friend.

It is well known that a large majority of the citizens of this Territory are Democrats, friends of Jackson and Van Buren, and it is highly important that the majority should have something to say in the choice of public officers. They can only effect their object by union and concert of action among themselves. In union

there is strength and victory. But if we permit our enemies to retain the vantage ground which they have assumed,—if we suffer our strength to be frittered away by casting our votes in the dark for candidates with whose principles we are unacquainted, and without any understanding amongst ourselves, we shall ensure the election of a majority of our political opponents.

For the purpose therefore of ensuring concert and union among themselves the DEMOCRATIC REPUBLICANS of Du Buque County are invited to meet at the cabin of Mr. Miller, at the mouth of Bee Branch on Cooley, near Samuel Hulitt's, on the 26th day of Sept. (inst.) at 10 o'clock A. M., for the purpose of taking the necessary steps preparatory to the next general election in this Territory.<sup>5</sup>

It had been hoped that the past services of George W. Jones would entitle him to a unanimous election. But a few Whigs were willing to administer a measure of partisan politics to the infant Territory. In the campaign lasting hardly a month the past records and capabilities of Jones and Meeker were paraded for comparison. Personal and local considerations, however, such as the location of county seats, internal improvements, and a discussion of the various claims of Burlington, Belmont, Du Buque, and Madison for the capital of the Territory constitute the principal record of the first political activity in Iowa.

The popularity of Col. G. W. Jones was general throughout the Territory. It was he whose efforts had secured the passage of the Act of April 20, 1836, establishing the original Territory of Wisconsin, and the voters generally believed that his election was necessary to secure the best interests of the young Territory in matters of National legislation.

In the election of October 10, 1836, the returns showed that out of a total vote of 4218, Col. Jones had been elected by a majority of 2826. In the Iowa District, Meeker had

<sup>5</sup> *Du Buque Visitor*, Vol. I, No. 20, September 21, 1836.

received but 57 votes. In Iowa County<sup>6</sup> Meeker had a majority of five votes which was explained by the *Belmont Gazette* as follows: "A temporary excitement with regard to the seat of government was made to operate against him (Jones); gratuitous and unfounded reports of his being interested in a particular place were circulated and to this, and this alone, is to be ascribed his loss of votes".<sup>7</sup>

The next political contest in the Iowa District took place on July 10 of the next year. On the death of Hosea T. Camp, a Representative from Du Buque County, Governor Dodge, on May 31, 1837, issued a proclamation calling for a special election to fill the vacancy.<sup>8</sup> At a meeting on June 17, 1837, in response to a call for a meeting of the Democratic citizens of Du Buque County, John Parker was nominated to succeed Camp, and two weeks later in a Democratic journal he set forth his views on various public questions.<sup>9</sup> On June 24 Alexander W. McGregor<sup>10</sup> also launched his candidacy for the office in a long letter in the *Iowa News*. The election returns showed that McGregor was the successful candidate by 138 votes.<sup>11</sup>

One year's experience under the laws of Wisconsin Territory had demonstrated that it was impossible to secure their proper and adequate administration in the Iowa District. The extent of the Territory, its geographical posi-

<sup>6</sup> Iowa County comprised an area in Wisconsin Territory east of the Mississippi River. It had been established in 1829 by an act of the Territory of Michigan.

<sup>7</sup> Strong's *History of Wisconsin Territory*, pp. 221, 222.

<sup>8</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 59.

<sup>9</sup> *Iowa News*, Vol. I, Nos. 4, 5, June 24, July 1, 1837.

<sup>10</sup> For the career of Alexander W. McGregor in the Territory of Iowa see Parish's *The Bribery of Alexander W. McGregor* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. III, No. 3, p. 384.

<sup>11</sup> *Iowa News*, Vol. I, No. 8, July 22, 1837.



tion, the number and increase of the population, the difficulty of securing adequate administration in the courts of justice, and the prospect of losing political prestige and distinction by the possible removal of the seat of government from Burlington to Madison<sup>12</sup> had combined in creating a desire on the part of the people of the Iowa District for a separate Territory.

Du Buque County took the lead in the movement by appointing, on October 13, 1837, twenty-one delegates to attend a Territorial Convention in Burlington.<sup>13</sup> Assembling on November 6, this Convention held a three days session at which all the seven counties of the Iowa District were represented. Three committees were appointed to memorialize Congress: a committee on Preëmptions, a committee on the division of the Territory, and one on the Missouri Boundary. The first and second committees reported on November 25 and commended highly the services of Governor Dodge and Delegate George W. Jones. Throughout these reports there is shown a patriotism, a foresight, and an intelligence that are highly commendatory of the settlers of early Iowa.<sup>14</sup>

From Burlington there issued in the first half of the year 1838 numerous announcements of candidates for the office of Delegate to Congress and for Representative, the terms of the incumbents of which were, by the Organic Act of April 20, 1836, to expire this year. The announcement of Col. George W. Jones as a candidate for Delegate was preceded by that of William W. Chapman for the same honor; while Thomas P. Burnett's announcement arrived

<sup>12</sup> By an act of the Legislative Assembly of Wisconsin Territory of December 3, 1836, the seat of government was to be located temporarily at Burlington until March 4, 1839, or until the public buildings at Madison should be completed.—*Laws of Wisconsin*, 1836, p. 49.

<sup>13</sup> *Iowa News*, Vol. I, No. 20, October 14, 1837.

<sup>14</sup> *Iowa News*, Vol. I, No. 23, November 25, 1837.

on June 13.<sup>15</sup> Congress, however, had considered the memorials from the Burlington Convention of November 6-8; and on June 12, 1838, President Van Buren signed the act which on July 4 was to establish the Territory of Iowa and provide for a new set of officers for the newly created Territory.

During the two years of its inclusion within the original Territory of Wisconsin there had been no definitely organized political parties within the original Territory of Wisconsin. Nevertheless the pioneers—from the Tennessean whose politics was “Old Hickory” to the man from the granite hills of Vermont who had worshipped at the shrines of Webster and Clay—had brought from their various homes political methods and a fairly well defined political philosophy. The two years from 1836 to 1838 furnish, therefore, the starting point for the expression of the political instincts of our pioneer fathers and for the creation and development of party machinery during the eight years of the Territorial period which followed.

Political activity in the Iowa District in 1838 was quickened by its contiguity to the Territory east of the Mississippi River. A meeting of Democratic citizens in Navarino, Brown County, in May, 1838, had issued an address stating the principles of Democracy and urging the organization of the Democratic party in the Territory. “Let the party be organized throughout this wide Territory”, ran the report, “to meet the emergency as becomes the descendants of those patriotic spirits which achieved and bequeathed to us the blessings of liberty, and like them to stand ready to sacrifice their all upon the altar of freedom.”<sup>16</sup>

<sup>15</sup> *The Fort Madison Patriot*, Vol. I, Nos. 3, 8, 9, April 18, May 30, June 13, 1838. This was a Whig journal published from March 24, 1838, to September 2, 1838, by James G. Edwards, at Fort Madison.

<sup>16</sup> *Iowa News*, Vol. I, No. 49, May 26, 1838.

Following in the echoes of this address came a large number of announcements for the various offices of the new Territory. Henry Eno, from Lee County, aspired to a seat in the Council; James Davis declared his candidacy for Delegate to Congress;<sup>17</sup> and on the same day Peter H. Engle launched his candidacy for the same high office. *The Fort Madison Patriot*, in an extra issue on September 2, contained the announcements of seven candidates for Congress, two candidates for the Council, and nine aspirants for the House of Representatives.<sup>18</sup>

No systematic campaign developed and the issues again centered largely about the questions of locating county seats, temperance, and internal improvements. The Whigs, who had everything to gain and little to lose in partisan activity, were largely responsible for the partisan politics which appeared in the campaign.

The election of September 10, 1838, in which sixteen counties participated, gave the following number of votes to the several candidates for Delegate to Congress: William W. Chapman (Democrat), 1490; Peter H. Engle (Democrat), 1454; Benjamin F. Wallace, the candidate with the strongest Whig leaning, 913; David Rorer (Democrat), 605; L. Taliafarro, 3; Isaac Lefler, 2; William Wallace, 3; H. Craighton, 1; and John Foley, 1.<sup>19</sup> The history of the First Legislative Assembly shows that the complexion of that body was Democratic.

The Whigs derived in the next few months a new stimulus for partisan activity from the various political appointments by Governor Robert Lucas and from the bestowal of

<sup>17</sup> *The Fort Madison Patriot*, Vol. I, Nos. 10, 13, June 27, July 25, 1838.

<sup>18</sup> *The Fort Madison Patriot*, Extra, September 2, 1838.

<sup>19</sup> Election returns as found among the Archives in the Historical Department at Des Moines.

political patronage by the Legislative Assembly. Nevertheless, *The Iowa Patriot*, the leading journal of Whig sentiments, said timidly: "We know that the Governor is opposed to carrying national politics into the Legislature, and so are we, and shall be until this ceases to be a Territory. Should opposition to the Administration develop it will cut off our supplies from Washington." It also ventured the warning that a partisan election would destroy the harmony and concord which would be necessary to secure the admission of Iowa to Statehood. It pointed out the evils of strenuous partisanship in Illinois and the Territory of Wisconsin to show that an absence of partisan contests would ensure the election of the best men.<sup>20</sup>

In this year (1839) an election for Delegate to Congress took place which was as unnecessary as it was illegal. It appears that on January 25, 1839, Governor Robert Lucas had approved "An Act providing for and regulating General Elections in this Territory."<sup>21</sup> A careless and bungling drafting or printing of the statute resulted in a great discrepancy in the first section between the printed law and the bill as it was signed by Governor Lucas. The following extract from the Governor's annual message of November 5, 1839, shows this feature.

The original enrolled bill signed by the presiding Officers of both branches of the Legislative Assembly, approved by the Executive, and deposited in the Secretary's office, in the clause relating to Delegate to Congress, reads as follows: "An election for Delegate to Congress, for members of the Council, and County recorder, shall take place on the first Monday in August next—and forty, and on the same day in every second year thereafter." The printed copy is made to read "An election for Delegate to Congress, for members of the Council, and County Recorder, shall take place on the first Monday of August, *Eighteen hundred* and forty, and on

<sup>20</sup> *The Iowa Patriot*, Vol. I, No. 4, June 27, 1839.

<sup>21</sup> *Laws of Iowa*, 1839, p. 185.



the same day in every second year thereafter." Thus we find the word "*next*" when it occurs after the word "*August*" in the original enrolled bill omitted, and the words ["*Eighteen hundred*"] that are not in the original roll interpolated in the printed copy.<sup>22</sup>

By the provisions of the Organic Act the term of the Delegate to Congress was two years and the term of William W. Chapman, who had been elected on September 10, 1838, would, therefore, not expire until 1840. Nevertheless, there is evidence that Francis Gehon, from Dubuque County, relying upon the Governor's version of the first section of the Act of January 25, 1839, had made an aggressive campaign for the office of Delegate to Congress. Governor Lucas as an additional step to these unnecessary and extra-legal proceedings issued, on October 1, 1839, a proclamation stating that in the August election Francis Gehon had received 843 votes, William W. Chapman 24, and Joseph M. Robinson 13, and declaring that Gehon was duly elected Delegate to Congress.<sup>23</sup> The *Hawk-Eye and Iowa Patriot* was content to express its mirth over this proclamation in exclamations.<sup>24</sup> Of course this election was null and void and Gehon never had any more claims to the office of Delegate to Congress than had the Governor's house servant.<sup>25</sup>

<sup>22</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 184.

<sup>23</sup> Shambaugh's *Executive Journal of Iowa, 1838-1841*, p. 159.

Some thought that the Governor's proclamation was in accordance with the Act of Congress of March 3, 1839, amendatory of the Organic Act, the second section of which declared "That the term of service of the present delegate for said territory of Iowa shall expire on the 27th day of October, 1840; and the qualified electors of said territory may elect a delegate to serve from the said 27th of October to the fourth day of March thereafter." From this it is seen, however, that the Act of Congress neither created a vacancy nor called for an election for the year 1839.

<sup>24</sup> *Hawk-Eye and Iowa Patriot*, Vol. I, No. 19, October 10, 1839.

<sup>25</sup> For a detailed account of this case see the writer's article on *The Election of Francis Gehon in 1839* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. V, No. 4, p. 534.

The year 1840 was a time of delirium for the political parties which was general throughout the United States. For three long years the ill-fated Van Buren had been tossed like a political derelict upon the waves of financial distress and disaster which had followed in the wake of the stormy financial legislation under the autocratic reign of "Old Hickory". The Whig party was quick to take advantage of the financial and industrial depression by instituting a campaign the like of which is not recorded in the annals of American politics. Clay, Webster, and Winfield Scott were cast aside as unavailable candidates for the presidency, and the choice finally fell to William Henry Harrison, the hero of many battles, whom the Whigs without any platform and without any declaration of policy<sup>26</sup> called from his Ohio home to lead the conglomerate Whig hosts to victory.

The campaign was marked by parades and processions, songs and speeches. Webster, Clay, Corwin, Preston, Prentiss, and many others formed the galaxy of brilliant speakers who addressed the cheering throngs of Whigs. The Democrats in vain argued and protested and demanded a sane discussion of public issues. But nothing could stem the tide; and the election returns showed that Harrison and Tyler had been harangued, paraded, and sung into office and that the Jackson dynasty was at an end.

Although the Territory of Iowa had no voice in the national election, symptoms and effects of the noisy excitement were evident in the young Territory. William W. Chapman, the Delegate in Congress, wrote from Washington advising the people of the Territory to desist from a political warfare until after the adjournment of Congress. Political measures would tend to defeat measures of the

<sup>26</sup> "In presenting General Harrison for President the Whig party had torn a page from the Jackson text-book."—Schouler's *History of the United States*, Vol. IV, p. 336.

greatest interest to the Territory. "I cannot", he added, as reported in a Whig journal, "permit my name to be submitted to any Convention of a partisan character."<sup>27</sup> Yet two months later the friends of Van Buren held a meeting to appoint delegates to a Van Buren Convention to be held at Burlington on July 9, 1840.<sup>28</sup>

Abuse and denunciation of the Democrats for their partisan activity issued from the Whigs who at the same time were holding Conventions and meetings, nominating candidates, issuing addresses, forming the Tippecanoe clubs of Burlington and Muscatine, and assuming their role in the theatrical demonstrations of this year. A Territorial Convention of Whigs met at Bloomington, called itself a "Congress of the People", and adopted resolutions on the issues of the campaign. A thorough organization was effected, and Mr. Alfred Rich was nominated for Delegate to Congress.<sup>29</sup> James Churchman of Dubuque County, announced his candidacy<sup>30</sup> on April 30, and the Democrats in their Convention of August 19, 1840, nominated Augustus C. Dodge. On July 16, Philip Viele, of Lee County, had announced his candidacy<sup>31</sup> which he withdrew when Rich became the regular nominee of the Whigs. On August 20 appeared the announcement of the Democratic incumbent of the office, William W. Chapman.<sup>32</sup>

A strict party alignment of the voters took place this year and both parties became thoroughly organized by the appointment of vigilance, correspondence, and central committees, and by the formation of clubs. The *Hawk-Eye* and *Iowa Patriot* declared that Dodge was holding a lucra-

<sup>27</sup> *Hawk-Eye and Iowa Patriot*, Vol. I, No. 47, April 23, 1840.

<sup>28</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 4, June 25, 1840.

<sup>29</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 10, August 6, 1840.

<sup>30</sup> *Hawk-Eye and Iowa Patriot*, Vol. I, No. 48, April 30, 1840.

<sup>31</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 7, July 16, 1840.

<sup>32</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 12, August 20, 1840.

tive office under the Federal government, and but for that he never would have come to Iowa. Rich, it urged, would oppose the suicidal policies of the Van Buren administration and combat a "union of the sword and the purse."<sup>33</sup> The effect of the great campaign upon the voters of Iowa Territory is noticeable in the election of October 5, 1840, at which Dodge received a majority of only 615 votes over Alfred Rich, which caused the *Hawk-Eye and Iowa Patriot* to complain that hundreds and hundreds of Whigs had voted for Dodge out of personal and local considerations.<sup>34</sup> The elections to the House of Representatives resulted in some advantages for the Whigs, while in the elections to the Council they gained one additional member which gave them control of that branch of the Legislative Assembly.

The history of the political parties in Iowa Territory becomes linked in this year (1840) with the question of securing the admission of Iowa as a State. A brief review of the movement is necessary to give a perspective of the political agitation of this year. A Territory has always been considered as a temporary form of government—as a stage in the evolution of a frontier community to Statehood. For some time the desire for Statehood had existed among the citizens of the Territory of Iowa. Governor Robert Lucas had given expression to it on November 5, 1839, in his second annual message to the Legislative Assembly;<sup>35</sup> editorials had been written upon the question and the subject had occupied the attention of the Council;<sup>36</sup> in the extra session of 1840 Governor Lucas referred to the committee on Territories in the National House of Representatives which had made a report favorable to the admis-

<sup>33</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 10, August 6, 1840.

<sup>34</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 22, October 29, 1840.

<sup>35</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 95.

<sup>36</sup> Shambaugh's *History of the Constitutions of Iowa*, pp. 146-150.



sion of Iowa, and again urged action by the Legislative Assembly.<sup>37</sup> In accordance with his recommendations that body, in July, had passed "An Act to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union."<sup>38</sup>

Official returns of the vote on the Constitution question indicated an overwhelming defeat of the proposition for which its supporters had mustered 937 votes and its opponents 2907. Linn County alone gave a vote in favor of the Constitution—the vote stood 81 to 39. In the same county the vote for Delegate stood: Dodge, 164; Rich, 91.<sup>39</sup> A comparison of the total vote on the Constitution question with the total votes cast for Delegate—4838 for Dodge and 4315 for Rich—shows clearly that the proposition was not fully understood by the voters and that interest in it was diluted by the excitement of the campaign for the various candidates.

The old Jacksonian maxim, that to the victors belong the spoils, served in 1841 to vitalize the politics of the young Territory. The Legislative Assembly controlled by the Democrats was careful to give the legislative printing and binding to its partisan friends. The Whig journals resenting this, charged that the Locofoco members had banded themselves into a partisan organization and had resorted to every malice, slander, and oppression of the Whig members.<sup>40</sup> It was charged in this year by the *Hawk-Eye and Iowa Patriot* that the *Bloomington Herald*, the *Burlington Gazette*, and the *Iowa Capitol Reporter* (the leading Demo-

<sup>37</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 145.

<sup>38</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 135.

<sup>39</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 27, December 3, 1840.

<sup>40</sup> *Iowa Standard*, Vol. I, No. 15, January 29, 1841.



cratic journals in the Territory) had entered into an "unholy alliance" to secure a monopoly of all the public printing. The *Bloomington Herald* resented this charge and declared that it was aimed at Ver Plank Van Antwerp, the editor of the *Iowa Capitol Reporter* which at this time was enjoying the largest share of the legislative printing.<sup>41</sup> On the other hand President Harrison, on March 25, 1841, had removed Governor Lucas whose steady and firm purpose had guided the Territory for nearly three years<sup>42</sup> and had appointed his former political ally and military comrade John Chambers, of Kentucky, and a new list of Whig Territorial officers was sent to the capital at Iowa City.

A lack of issues and a spirit of organization pervaded the politics of the year 1841. "We were overthrown but not defeated in 1840", declared a meeting of Democrats in the Council chamber early in January. Serious alarm was expressed over Harrison's election and over Webster's elevation to the portfolio of Secretary of State. The public career of Henry Clay was severely condemned while they reviewed with honest pride the public services of the Delegate to Congress, Augustus C. Dodge. After appointing a Central Committee of five and providing for a Committee of Correspondence in every county, the meeting recommended the holding of a Territorial convention of the party early in June to nominate a candidate for Delegate to Congress.<sup>43</sup>

County after county was thoroughly organized and delegates were chosen to attend the June convention at Iowa City.<sup>44</sup> Meanwhile, the untimely death of President Harri-

<sup>41</sup> Printed in the *Iowa Capitol Reporter*, Vol. I, No. 3, December 18, 1841.

<sup>42</sup> Parish's *Robert Lucas*, pp. 264, 265.

<sup>43</sup> *Bloomington Herald*, Vol. I, No. 13, January 22, 1841. The *Herald* was a Democratic paper under the editorship of John B. Russell and Thomas Hughes.

<sup>44</sup> *Bloomington Herald*, Vol. I, Nos. 18, 26, 30, 39, February 26, April 23, May 21, July 23, 1841.

son had elevated to the presidency John Tyler, whose title to membership in the Whig party had never been clear. The disappointment and sorrow of the Whigs over this event had pressed the various factions into some degree of coherency, but the final breach between Tyler and Congress rejuvenated all the hopes of the Democrats and gave fresh zeal to their preparations for the Iowa City Convention.

Democrats from every county seem to have been present at this Convention, which was marked by hope and warm enthusiasm. The 103 delegates formed themselves into a long procession and marched through the streets of the young capital, carrying a huge banner on one side of which was inscribed in large letters: "Thomas H. Benton, The friend of the poor man, the western squatter and champion of equal rights. Against Henry Clay the denouncer of the pioneer of the West, the speculator's friend and supporter of foreign dictation." On the reverse side ran an equally impressive text: "Democracy — our Country, against Daniel Webster and the Hartford Convention."

In the Convention strong resolutions were adopted charging that the Whig administration was corrupt and attacking the banking system of the Whigs in the usual terms. Governor Chambers, too, was denounced as an enemy of the West and of the western settler. Augustus C. Dodge, whom they commended for his untiring and patriotic services in behalf of Iowa Territory, was given a unanimous renomination for Delegate to Congress. The *Iowa Standard*, a Whig organ, which gave an account of these proceedings, denied the charges in these resolutions and declared warmly that the voters would rebuke the authors of them at the polls.<sup>45</sup>

Meanwhile the Whigs had again selected Alfred Rich to

<sup>45</sup> *Iowa Standard*, Vol. I, No. 29, June 10, 1841.

make the race against Augustus C. Dodge for Delegate to Congress.<sup>46</sup> No issues developed in the campaign and the contest was waged over the records and qualifications of the candidates who conducted a speech-making canvass. The election returns of August 6, 1841, indicated that the Whigs had lost one Representative to the Democrats, who now controlled the House by a majority of six votes. For Dodge 4838 votes were cast, which was a majority of 523 votes over the Whig candidate.

Again the question of the formation of a State government was asserting itself. The *Iowa Standard*, inspired by the Whig triumph of 1840, had expressed in February, 1841, the hope that Iowa Territory would be a State in 1844 and that the Whigs of Iowa could therefore have a voice in the presidential election.<sup>47</sup> After the election of 1841, however, the same journal declared that there was no inducement for the Territory to become a State and that the high interest on farm loans would make additional taxation under a State government impossible.<sup>48</sup> Governor John Chambers, however, was sincere in his desire to see the admission of Iowa Territory to Statehood, and in his first annual message of December 5, 1841, he referred to the unwillingness of the people to assume the duties and responsibilities of a State government. "But", urged the Governor, "the rapid increase of our population, and the recent legislation of Congress in relation to the future disposition of the proceeds of the sales of the public lands, will present the subject in a new aspect, and may produce a change of public sentiment upon it." He therefore recommended that the question be again submitted to the voters.<sup>49</sup> Acting on the Governor's recommendation the

<sup>46</sup> *Hawk-Eye and Iowa Patriot*, Vol. II, No. 50, May 13, 1841.

<sup>47</sup> *Iowa Standard*, Vol. I, No. 18, February 19, 1841.

<sup>48</sup> *Iowa Standard*, Vol. I, No. 18, February 19, 1841.

<sup>49</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 252.

Legislative Assembly passed on February 16, 1842, "An act to provide for the expression of opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa."<sup>50</sup>

In anticipation of the passage of this law agitation for Statehood had already begun—an agitation that was to ebb and flow for four years from the polls to the President's chair. National issues now become subordinated to the one of Statehood upon which the political parties formulate their principles, nominate their candidates, and wage their campaigns. It is in these four eventful years that the environment of the pioneers, their political instincts, and their history and traditions were giving expression to a political product the blessings and enjoyment as well as the evils of which their posterity was to inherit and to judge. The march of the Territory to Statehood was free from many of the thorns that have marked the path of other Territories seeking the same goal. Unlike Indiana, the transformation was not darkened by the discussion of the issues of slavery; more fortunate than Missouri, the admission of Iowa was not for years a bone of contention in Congress; and there have been no bloody wars or "Lecompton Constitutions" in the constitutional history of Iowa.

Political as well as partisan activity this year received an impetus from the Statehood question, which in turn was treated to its quota of partisan eloquence and sophistry; the political soundness of the plan was given intelligent discussion; the commercial and industrial benefits of Statehood were debated; considerations of liberty, local pride, and self-government occupied the disputants; and

<sup>50</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 137.



the financial aspects of the question were always an object of contention.

From the Whigs there issued the objection that the frontier life and the immaturity of the Territory tended to make the people incapable of managing successfully the affairs of a State government at this time. Ralph P. Lowe, a prominent Whig, even urged that the change would be undesirable because there really were no eminent men in the Territory fitted for the tasks of State government.<sup>51</sup> The Democrats resented this argument with a show of wounded pride and resentment. "Are the people of Iowa all aliens, minors and women?" asked the *Lee County Democrat*. "Are they laboring under any mental or moral incapacity? Are they chargeable with a want of inexperience in the duties and obligations of freemen? . . . Are they not also equally qualified to discharge the duties of representatives and legislators now as while they were citizens of the States? Whence then the great danger of unwise, extravagant, or disastrous legislation?"<sup>52</sup>

Statehood, argued the Democrats, would give Iowa the right and the privilege of selecting its own officers who would then be responsible to the people. The Territorial appointments of the President were bringing hither a crowd of office seekers who knew little about the people and their legislative needs and cared less. Patriotism, pride, and love for independence should make the people willing to submit to the additional tax of about "three bits per head", urged the *Burlington Gazette*. "The right to choose our public servants", continued this journal, "should be held sacred—not to be frittered away or surrendered up or bartered off for any consideration whatever. Such an idea must not be countenanced, or even thought of for a

<sup>51</sup> Shambaugh's *History of the Constitutions of Iowa*, p. 167.

<sup>52</sup> Printed in the *Iowa Capitol Reporter*, Vol. I, No. 8, January 22, 1842.

moment, if we would preserve a just tone of feeling upon the subject, and transmit it unimpaired to posterity.”<sup>53</sup>

“Our present condition as a Territory”, wrote Ver Plank Van Antwerp, the Democratic editor of the *Iowa Capitol Reporter*, “is that of colonial vassalage, which is at all times humiliating (to say the least). We approach the General Government in the attitude of a suppliant, beg like a slave for the crumbs that may perchance, be left after a division of the loaf amongst the States, and at the same time, Iowa is pouring her thousands into the public Treasury, from the sale of the lands within her limits, and what does she get in return? . . . . The unparalleled influx of population in our Territory, for the last few months would seem to call on us, in a voice of thunder, to depend upon the paternal care of the Government for support and patronage no longer. The little States of Rhode Island and Delaware are each represented in Congress by two Senators and a Representative, whilst Iowa, possessing at this moment a greater population than either has no vote in either house.”<sup>54</sup>

The commercial gain to result from Statehood was widely discussed by the Democratic press. “Year after year do the earnest representations of our legislature and the efforts of our Delegate pass unheeded while at the same time millions upon millions are engulfed in the almost fathomless depths of some arm of the Atlantic. Breakwaters are constructed, harbors are improved; or perhaps scooped out of the solid earth, for the benefit of Eastern commerce, while the interests of the West, and particularly those of this Territory, seem entirely overlooked. . . . Appropriations to facilitate the navigation of our rivers are not only few and far between, but trifling in importance compared

<sup>53</sup> Printed in the *Iowa Capitol Reporter*, Vol. I, No. 28, June 11, 1842.

<sup>54</sup> *Iowa Capitol Reporter*, Vol. I, No. 26, May 28, 1842.



with those that are annually lavished upon the Atlantic frontier or even upon the lake coast." Because the Territory of Iowa had no political weight in Congress the pleadings of Augustus C. Dodge remained unheeded. "The Rapids [of the Mississippi River] will never be improved until Iowa becomes a State."<sup>55</sup>

Immigration, too, was connected with the benefits of Statehood. "The adoption of a State government", reasoned the *Burlington Gazette*, "would at once cause an unparalleled influx of immigration. Thousands otherwise desirous of making their homes with us are deterred by what they deem the unsettled state of things incident to a Territorial government. . . . Whatever may be the cause, it is certain that the new States have generally, if not always, for a time at least, increased in population ten times as fast as while they were Territories. Such has been the case with neighboring States; and such too, will be the case with ours."<sup>56</sup>

To compel the people to submit to another vote on the question of Statehood the Whigs declared both premature and unfair. They pointed to the election of October 5, 1840, at which the Convention proposition had been defeated by 1970 votes and maintained that the vote meant a decisive settlement of the question. To this the Democrats replied that the brief interval between the passage of the Act of July 31, 1840, and the election on October 5, 1840, had not allowed the public mind to become versed in the subject sufficient to express itself fairly. Little effort for or against the question was then shown; it was so lukewarm that a large and populous district made no returns on the election.<sup>57</sup> In July at a barn-raising in Des Moines

<sup>55</sup> *Iowa Capitol Reporter*, Vol. I, No. 29, June 18, 1842.

<sup>56</sup> *Iowa Capitol Reporter*, Vol. I, No. 31, July 2, 1842.

<sup>57</sup> *Iowa Capitol Reporter*, Vol. I, No. 34, July 23, 1842.

County at which forty-seven men were present a vote was taken which showed that forty-three were in favor of Statehood and only four against it.<sup>58</sup> The *Pennsylvania Argus* said: "If the citizens of that young and beautiful Territory are as intelligent and regardful of their *true interests* as they are represented to be, we will not hesitate in saying that the Convention party will prevail by a large majority." These facts, the Democrats argued, called for a resubmission of the question.<sup>59</sup>

The Whigs knew very well that in the event of Statehood all the State offices would be occupied by Democrats. Actuated by this knowledge they recurred again and again to the argument which appealed to every tax-payer and which from time immemorial has served to defeat measures of legislation—the argument of increased taxation, which the State government would entail when the salaries of the officers of the Territory, the legislative printing, and all the expenses incident to Territorial legislation would cease to be paid from the coffers at Washington.

Rigid economy was promised by the Democrats in reply to this objection. The Governor's salary could be reduced to \$1000, that of the Attorney General to \$400, and \$600 would be sufficient for the State Treasurer. Then, too, some of the Territorial offices could, in the interest of economy, be abolished. The following from the *Iowa Capitol Reporter* is an excellent representation of the arguments of the Democratic press as they were marshalled against the Whig shibboleth of increased taxes:—

The State government will cost \$30000.00 per annum. One half of this amount, at least, we shall receive back in ready cash—the proceeds of the five per cent on the land sales—so that the actual cost of supporting the government should be estimated at not more than

<sup>58</sup> *Iowa Capitol Reporter*, Vol. I, No. 33, July 16, 1842.

<sup>59</sup> Quoted in the *Lee County Democrat* and printed in the *Iowa Capitol Reporter*, Vol. I, No. 33, July 16, 1842.

\$15000.00 per annum. The improvement of the Rapids, which will result from our admission, will benefit us \$200,000.00 annually; and the increase in value of the 500,000 acres of land will be at least \$250,000.00 more, making \$450,000 per annum which will result from our becoming a State. This will be fifteen times the amount of the cost, to say nothing of the possible receipt of the ten per cent under the distribution act. Well may we say, then, that the price paid for the support of a State government will be only seed sown of which a bountiful harvest will result.<sup>60</sup>

A final appeal to the voters, in a long and detailed statement of the Democratic arguments, appeared just before the election and a résumé of the advantages of Statehood was presented. "It would aid us to effect a new purchase of Indian lands. It would aid us to procure an appropriation to improve the navigation of the Mississippi over or around the Rapids, by canal or otherwise. It would aid us in effecting a permanent settlement of our southern boundary question. It would aid us in placing under the immediate control of the State government all conflicting clauses of boundary and title."<sup>61</sup>

Meanwhile the Democrats were engaged also in perfecting their election and campaign machinery, nominating candidates for the Legislative Assembly, and waging war upon Henry Clay. On January 8, 1842, the twenty-seventh anniversary of the Battle of New Orleans, a large and determined meeting of Democrats was held in the Council chamber of the Capitol at Iowa City. A committee of eleven was appointed by President Francis Gehon. With patriotic pride they referred to the triumph of "Old Hickory" at New Orleans, President Tyler was thanked for his vetoes of the bank bills passed by Congress, and in a note of warning they referred to the broken promises of the Whigs and to the removal of Democratic officers in Iowa.

<sup>60</sup> *Iowa Capitol Reporter*, Vol. I, No. 30, June 25, 1842.

<sup>61</sup> *Iowa Capitol Reporter*, Vol. I, No. 34, July 23, 1842.

Praise was extended for Senator Thomas H. Benton, of Missouri, in the following resolution:—"The Democrats of Iowa are especially grateful to him for his able and uniform support of Pre-Emption laws, and for his efforts to obtain, for their benefit, a graduation of the price of the public lands." The third resolution reads: "That the Democrats of this Territory still entertain towards Mr. Van Buren, the late patriotic president of the United States, sentiments of the highest respect and friendship for his virtues, his brilliant talents, and his unalterable attachment to Democratic principles—and that while they regret sincerely the martyrdom which he has suffered for the sake of principle, yet they believe that at this time his exile is honorable: for . . . recent elections prove that the people can no longer be blinded by means of such clap traps as '*coon skins*' and '*hard cider*' and the generally absurd paraphernalia which characterized the pipe-laying operations of the unprincipled whig leaders of 1840."

A central committee for the Territory, appointed by the President of the Convention, was made up of the following persons: Pleasant Harris, James P. Carlton, Henry Murray, Henry Felkner, V. P. Van Antwerp, and Curtis Bates. All the counties were requested to appoint each a committee of five to insure the efficient organization of the Democratic party in the Territory.<sup>62</sup>

All through the forepart of the year 1842 a campaign of real education was carried on. The discussions of the Whigs, however, bear no comparison to those of the Democrats in argument, thoroughness, and sincerity of purpose. Theirs was a campaign of refutation and denial, and it was only their slogan of increased taxes under Statehood that proved to be the impregnable stronghold of the Whig defense. At the election of August 1, 1842, 6825 votes were

<sup>62</sup> *Iowa Capitol Reporter*, Vol. I, No. 7, January 15, 1842.



cast against the proposition for Statehood, while only 4129 votes were mustered in favor of it. In Johnson, Lee, and Clinton counties the vote was closest, but in every one of the seventeen counties of the Territory the question went down to defeat.<sup>63</sup> The people clearly were not yet ready for Statehood and voted for a continuance of the paternal donations from the United States treasury. In the House of Representatives the Whigs gained two new members which left the Democrats a majority of but two in that body. A Democratic organ declared that to the Council seven Whigs, one neutral, and only five Democrats were elected.<sup>64</sup>

It was bad enough for the Democrats to lose the election over the question of Statehood; but greater chagrin and disappointment was felt over the elections to the Legislative Assembly. Local interests in Lee County, disunion, and a mixed ticket in Van Buren, traitors in Muscatine, and bad management and personal animosities in other counties were responsible for the Whig gains. "It is, for the sake of the party", mused the *Bloomington Herald*, "a pity that we were not completely routed—then we would have learned from sad experience, the evil of allowing ourselves to be distracted by light and trivial matters, but as the Whigs have been so long out of power, they will, like the present powers at the Capitol, cut such fantastic shins, as to convince one and all, before their term of office expires, that we have had enough of Whiggery."<sup>65</sup>

The year 1843 was an "off year" in Territorial politics and there is very little that was notable in conventions, candidates, or campaigns. In the Capitol another meeting of Democrats was held on the anniversary of the Battle of

<sup>63</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 142.

<sup>64</sup> *Bloomington Herald*, Vol. II, No. 41, August 12, 1842.

<sup>65</sup> *Bloomington Herald*, Vol. II, No. 41, August 12, 1842.



New Orleans. Thomas Cox, of Jackson County, was president and the meeting was an occasion for Democratic speeches. The meeting requested the various counties to elect delegates to attend a Democratic Territorial Convention at Iowa City in June for the purpose of nominating a candidate for Delegate to Congress.<sup>66</sup> Scott County, on April 4, 1843, selected four delegates and commended the services of Augustus C. Dodge.<sup>67</sup> In the same month the Democratic members of the Legislative Assembly met at the Capitol, appointed a Central Committee for the Territory, and designated committees of organization for each county.<sup>68</sup> The Democrats of Jackson County extended their thanks to Augustus C. Dodge, "the pioneer of the West, the defender of her interests and her fast and never failing friend."<sup>69</sup> And so, in the various counties, in conventions and mass meetings faith and undiminished confidence were expressed in the fidelity and ability of Dodge,<sup>70</sup> who was renominated in the Territorial Convention at Iowa City on June 26, 1843.

Meanwhile the Whigs through various vicissitudes of committee appointments, convention notices, unattended and postponed nominating conventions, unwilling candidates, and forced efforts to create an issue had centered upon William H. Wallace as their candidate against Augustus C. Dodge. With feigned disappointment over the inaction of the Whigs the *Lee County Democrat* said: "It was hoped that in all good feeling, a full, calm and manly discussion of the important questions now dividing the two great parties of the country, would take place during the canvass, and that the people would be well prepared to cast

<sup>66</sup> *Iowa Capitol Reporter*, Vol. II, No. 6, January 14, 1843.

<sup>67</sup> *Iowa Capitol Reporter*, Vol. II, No. 19, April 15, 1843.

<sup>68</sup> *Iowa Capitol Reporter*, Vol. II, No. 21, April 29, 1843.

<sup>69</sup> *Iowa Capitol Reporter*, Vol. II, No. 22, May 6, 1843.

<sup>70</sup> *Iowa Capitol Reporter*, Vol. II, No. 24, May 20, 1843.

their suffrages for the candidates of their choice. The Democrats, however were doomed to disappointment in their wishes."<sup>71</sup>

During the months of August and September, 1843, joint debates between Dodge and Wallace were held at Dubuque, Iowa City, and other points. The banking system of the Whigs, the protective tariff question, and Henry Clay's policies in regard to the public lands formed the subjects for the discussions. Dodge was criticised also for securing inadequate financial appropriations for the Territory of Iowa.<sup>72</sup> Dodge, however, could point to the Congressional appropriation of \$13,421 which his efforts had secured in the previous year for the liquidation of all the legislative expenses of the Territory.<sup>73</sup>

The campaign, however, lacked life and vigor. The people had had enough of political agitation in 1842; and besides they were too busy at tilling the soil and reaping their harvests to attend conventions, march in political parades, sing campaign doggerel, or to listen to the appeals of candidates for office. In the October election Dodge was re-elected by a majority of 1419 votes over Wallace who received 3372 votes.

A comparison of the votes for Delegate for the years 1842 and 1843 shows that the Democratic vote in this year fell off by only 47 votes while the Whig vote in 1843 was 933 less than in 1842. "It shows that we were *not* beaten by increase of Locofocos, above the increase of Whigs", declared the *Iowa Standard*, "but by Whigs staying at home. . . . The Whigs of the Territory have followed the example of their brethren in many of the States—staid at home to dig potatoes and shuck corn, and left the Locofocos

<sup>71</sup> Quoted in the *Iowa Capital Reporter*, Vol. II, No. 37, August 19, 1843.

<sup>72</sup> *Iowa Capital Reporter*, Vol. II, No. 38, August 26, 1843.

<sup>73</sup> *Iowa Capitol Reporter*, Vol. I, No. 24, May 14, 1842.

to do the voting.”<sup>74</sup> Whig inaction and mismanagement, furthermore, resulted in a loss of five Representatives to the Democrats.

Early in 1844 both parties were girding themselves for the approaching contest and, although the voters had no voice in the presidential election, the Territory of Iowa this year became an arena which witnessed the contests of the two parties in caucus and convention and the precincts and polls. Buoyed up by the hope of repeating the triumph of 1840, the Whigs began their agitation with energy. Again the Whig forces were rallying around Henry Clay, who was already inspiring the campaign poets, the editorial writers, and the pamphleteers, and capturing delegates and conventions. The Democrats became alarmed, urging that the party organize and rebuke the charges and epithets that Clay had heaped upon the settlers of the West. “The enemies of the great cause of Democracy are in the field, with the coonskin banner of the western slanderer and calumniator of the pioneers of Iowa unfurled, with the mottoes of a *Mammoth National Bank—a ruinous Protective Tariff, to build up Eastern capitalists at the expense of the Western producer,—to distribute the proceeds of the sales of the Public Lands among the States, and thereby in all probability, raise the price of public lands to an enormous price.*”<sup>75</sup>

The formation of Clay clubs in Iowa Territory and the acceleration given the Clay movement provoked from the Democratic press additional censure and criticism upon the “Idol of the West.” “Our opponents”, warned the *Iowa Capital Reporter*, “have unfurled the banner of *Henry Clay, a National Bank, Protective Tariff, etc., and in*

<sup>74</sup> *Iowa Standard*, Vol. III, No. 42, October 19, 1843.

<sup>75</sup> *Iowa Capital Reporter*, Vol. III, No. 21, June 1, 1844.

doing so, they have assumed to defend their champion against the just and merited indignation of an insulted and abused class of American citizens, who have been by him denounced as a '*lawless band*', or as no better than '*highway robbers*.' ''<sup>76</sup>

A prelude to the political contests of this year had been sounded in the opposition of the Democrats to the National Bank policy of the Whigs. Since the days of Jackson's warfare upon the United States Bank it had been one of the cleavage forces dividing the two great parties. The large crop of "wild cat" banks growing out of Jackson's propagation of financial measures had created a suspicious distrust and quixotic notions in regard to the value of banks in general. The Democrats were still sounding the argument of the unconstitutionality of the Bank, while the Whigs promptly met this argument by quoting from the famous decision in *McCullough vs. Maryland*.<sup>77</sup>

In the Territory of Iowa the Miners' Bank of Du Buque, which had been chartered as early as November 30, 1836, became an issue of partisan discussion, and, on account of local bickerings and bad reports concerning its solvency it had become the target for repeated legislative investigations and numerous attempts to annul its charter.<sup>78</sup> The financial ruin and wild speculation of these years had caused the bank on March 29, 1841, to formally suspend specie payments. Partisan feeling over the bank was augmented, and in the fifth and sixth Legislative Assemblies, in response to petitions signed by many citizens in various counties, numerous attempts were made to compel the bank to resume specie payments and to revoke its charter. The Whigs, as a rule, in both the House and in the Council protested against the repeal of the charter by the legislative

<sup>76</sup> *Iowa Capital Reporter*, Vol. III, No. 16, March 23, 1844.

<sup>77</sup> McClain's *Cases on Constitutional Law*, p. 1.

<sup>78</sup> Merritt's *Early History of Banking in Iowa*, pp. 1-30.



branch of the government, declaring that such an act was a function of the judiciary. The Democrats, in harmony with the notions of the party generally, favored the repeal of the charter and looked upon all banks as institutions fostering fraud and corruption.<sup>79</sup> On the failure of the Legislative Assembly to revoke the charter of the Miners' Bank, a Democratic journal expressed its censure in the following terms:—

From the commencement of the present session, it is well known the Whig party in the House, without a single exception, have labored with a zeal, and we may say with an ability, in debate and otherwise, to save the shadow of a swindling Bank, that certainly was worthy of a better and holier cause. They could not have fought more manfully and desperately if the whole social fabric of our institutions had been at stake. And for what! To save from a just and merited oblivion, the charter of the swindling and rotten Bank of Dubuque.<sup>80</sup>

Meanwhile the border line between savagery and settlement had retreated to the westward. By the treaty of Governor John Chambers with the Sauk and Fox Indians on October 11, 1842, an immense area had been opened to settlement in May, 1843.<sup>81</sup> At once from the seed-plots of emigration in the East and South there followed in the footsteps of the retreating Red Men the American settler and pioneer, transplanting upon the virgin soil of the Territory the latent germs of political, social, and industrial forces, which under the compelling environment of frontier activity have grown to fruitage in our industrial life, in our political institutions, and in our social well-being.

Governor Chambers no doubt was anxious that these incoming settlers should have the benefits and the prestige of Statehood which he had experienced in his own State of

<sup>79</sup> Merritt's *Early History of Banking in Iowa*, pp. 49, 53, 60, 61.

<sup>80</sup> *Iowa Capital Reporter*, Vol. III, No. 7, January 20, 1844.

<sup>81</sup> Kappler's *Indian Affairs. Laws and Treaties*, Vol. II, p. 546.



Kentucky. Perhaps he was actuated by the desire to see Iowa have a vote in the presidential election of 1844 in which the Whigs were hoping that Henry Clay would be the man chosen to lead them from the bondage of Tylerism. On December 4, 1843, in his third annual message the Governor had referred to the phenomenal growth of the population and recommended that the Legislative Assembly pass a law for an election to ascertain the wishes of the people in regard to Statehood, that applications be made to Congress to fix and establish boundaries for the proposed State, and that provision be made for calling a constitutional convention.<sup>82</sup> The Legislative Assembly responded to these recommendations by passing, on February 12, 1844, an act similar to the one of February 16, 1842. The vote on the question of holding a constitutional convention was to be taken at the township elections in April.<sup>83</sup>

Again the arguments, the oratory, and the declamations of 1842 were paraded on the political forum.<sup>84</sup> However, there was now a much greater population and an increased area for settlement, and the presidential campaign gave warmth to the discussion. All the benefits to flow from a condition of Statehood—political prestige and distinction, greater internal improvements, increased immigration, release from “colonial vassalage”, and the financial gains—were once more proclaimed on the stump, in editorial columns, and at political gatherings.

The Whigs again resorted to the argument of increased taxes and protested that the Convention question was forced and premature. “We declare without fear of contradiction, that the people are not prepared, and *cannot* be prepared, at so early a period as the first day of April to

<sup>82</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 271.

<sup>83</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 143.

<sup>84</sup> Shambaugh's *History of the Constitutions of Iowa*, pp. 173, 174.

decide the momentous question of State government or no State government. And we say further, that until Congress now in session shall have completed its business, and the decisions that it may make upon some questions concerning the interests of this Territory that it has before it, shall be generally known, the people cannot make a proper and satisfactory determination of the question of State government.”<sup>85</sup>

The elections showed that the Constitutional Convention question had carried by a large majority.<sup>86</sup> Returns from twenty-one counties showed that only eight counties<sup>87</sup> gave majorities against the question. The attitude of the public mind had, therefore, changed in favor of taking steps to secure Statehood. The advent of better times, the enormous increase of the Territory in population, the new lands for settlement, and various events transpiring in the Nation had combined in converting a majority of the voters to the proposition of calling a constitutional convention.

By the provisions of the Act of February 12, 1844, delegates to the Constitutional Convention at Iowa City were to be chosen in August of this year. There is evidence of some sincere effort to secure the non-partisan election of these delegates who were to assemble in October.<sup>88</sup> The *Iowa Capital Reporter* declared that the Whigs who were trying to unite with the Democrats in this election were not sincere. By the month of July each party was nominating its delegates and perfecting its campaign machinery.

<sup>85</sup> *The Iowa Standard*, Vol. IV, No. 9, February 29, 1844.

<sup>86</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 148.

<sup>87</sup> Clayton, Clinton, Dubuque, Delaware, Jones, Linn, Scott, and Muscatine.

<sup>88</sup> In Johnson County a joint meeting of Whigs and Democrats issued a report, signed by eleven men from each party, which said: “It is our sincere desire that at least the Delegates to the Convention be nominated and elected without party lines, for in what appertains to the Convention from first to last, all men should lay aside every party or personal consideration.”—*Iowa Capital Reporter*, Vol. III, No. 22, June 8, 1844.

After the candidates had been nominated they were subjected to a political catechism or they expressed their views on the proposed Constitution. The term and election of the Governor, the sessions and the powers of the legislature, salaries, the judiciary, and banks were a few of the subjects that called forth discussion from the candidates. The intended prohibition of banks was severely condemned by the Whig journals. "If elected they will unanimously advocate the insertion of a clause in the Constitution forever prohibiting the citizens of the State of Iowa from engaging in banking privileges. This is a subject that should be left just where the Whig candidates for delegacy propose leaving it, that is, *to the good sense of the people of the State*, and this we fervently maintain to be true republican principle."<sup>89</sup>

Again the election resulted in a Democratic triumph. Of the seventy-two delegates chosen the Whigs had elected only twenty-one.<sup>90</sup> The Democrats were elated over the election and declared that it expressed a full endorsement of their policies and an emphatic repudiation of Henry Clay and the tenets of his party.<sup>91</sup>

When the Convention assembled on October 7, 1844, it included many men of experience and ability. Among the Whigs were Samuel H. McCrory, from Johnson County, and Ralph P. Lowe, from Muscatine County, who later sat in the Governor's chair. Foremost of all, on the Democratic side, was ex-Governor Lucas, ripe in political experience and next to the oldest man in the Convention. Other leading Democrats were: Shepherd Leffler, the President

<sup>89</sup> *The Davenport Gazette*, Vol. III, No. 50, August 1, 1844.

<sup>90</sup> Shambaugh's *History of the Constitutions of Iowa*, p. 183.

<sup>91</sup> No Representatives or members of the Council were elected this year. Pending the outcome of the efforts to secure the admission of Iowa to Statehood the Legislative Assembly had postponed the election to April 7, 1845.—See *Laws of 1844*, p. 2.

of the Convention; Stephen Hempstead, a subsequent Governor of the State; and ex-Delegate William W. Chapman.<sup>92</sup>

The first party division in the Convention appeared in the discussions over the question of chartering banks. From the report of the Committee on Incorporations a minority report "That no bank or banking corporation of discount, or circulation, shall ever be established in this state" was signed and presented by Michael O'Brien and Stephen Hempstead—both Democrats.<sup>93</sup> On October 19 Mr. Hempstead moved to strike out of the report of the Committee on Corporations the section establishing a bank with branches and to insert the minority report.<sup>94</sup>

Mr. Hempstead was opposed to all banks upon principle and thought they ought to have no existence in the State. Mr. Quinton denounced them as a set of swindling machines, and Mr. Ripley believed that banks had always been a curse to the country and that they were unconstitutional. Mr. Hall said that Banking was a spoiled child and had been nursed and petted until it had been corrupted. He considered the banking system to be useless in this country.<sup>95</sup> These views give an outline of the crude conceptions of financial institutions as expressed by the more radical delegates of the Democracy.

The Whigs argued that a Constitutional prohibition would tie up the hands of posterity and maintained that the chartering, restriction, or prohibition of banks should rather be left to the votes of the people. The more conservative Democrats, led by ex-Governor Lucas, held to

<sup>92</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, Appendix, pp. 403-409.

<sup>93</sup> *Journal of the Convention of 1844*, p. 30.

<sup>94</sup> *Journal of the Convention of 1844*, pp. 89, 90.

<sup>95</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 68, 70, 72.



these views; and so Mr. Hempstead's amendment went down to defeat.<sup>96</sup>

For several days the discussions continued. Mr. Grant expressed the opinion that the Whigs desired to make the Constitution as odious as possible, so as to defeat it before the people. The Miners' Bank at Dubuque was held up as an example of financial fraud and mismanagement by the more extreme Democrats. Mr. Hall, of Henry County, insisted that the people would find that "a Bank of earth is the best Bank, and the best share, a Plough share." Mr. Hempstead's political economy convinced him that banks of discount were vested with the privilege of living and fattening upon the distresses and misfortunes of their fellowmen; they created no real capital in the country but lived upon the products of the farmer, the miner, and the laborer and they would drive the real money—the specie—from the country.<sup>97</sup> The conservative Democrats, however, maintained that the question was one of expediency; and, with the help of the Whigs, the article on Incorporations as finally adopted provided that no banking charter could be granted by the Legislature unless the charter had been submitted to the voters and received a majority at a general election.<sup>98</sup>

In the national election, meanwhile, Polk and Dallas had defeated Clay and Frelinghuysen. Elated over their success, the Democrats of Iowa Territory had appointed a committee to arrange for a grand celebration at Iowa City. On December 2, 1844, the Democrats assembled; and in the evening the Capitol and all the offices and residences of the Democrats of the city were illuminated. A grand torch

<sup>96</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 81.

<sup>97</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 191, 198, 202.

<sup>98</sup> *Constitution of 1844*, Article IX, Section 3.



light procession was formed in front of the Capitol, and preceded by flags and a band they marched through the streets of the city. Speeches were delivered and songs sung over the election of Polk and Dallas, and where there had been gloom and disappointment in 1840 there was now encouragement and hope.<sup>99</sup>

Strenuous and numerous political activities were to mark the year 1845. In April the vote on the Constitution of 1844 was to be taken and thirteen members of the Council and twenty-six Representatives were to be chosen. In August a delegate to Congress had to be chosen, and as it proved another vote on the Constitution of 1844 was to be taken.

Political comment and criticism now arose upon the Constitution as it emanated from the Convention on November 1, 1844. Again the Whigs attacked the instrument with objections which were voiced by *The Iowa Standard*. The Constitution mingled unwisely the legislative, popular, and executive powers; it would cause a partisan selection of the officers; the salaries were objectionable; there were too many officers; and the article on the Judiciary was defective.<sup>100</sup> Their knowledge that they would not have a share in the State offices or in the representation at Washington was the parent of most of their objections and gave color to their arguments against its adoption. Their cries of a partisan Constitution and increased taxation also mingled in their chorus of objections.

The Democratic press was conscious of several minor defects in the instrument but generally argued for its adoption. Said the *Iowa Capital Reporter*: "To the im-

<sup>99</sup> *Iowa Capital Reporter*, Vol. I, No. 45, December 14, 1844.

<sup>100</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 208-210.

mense mass of merit which our proposed constitution possesses, we have deemed little comment necessary.—It is recommended by its comprehensiveness and brevity; and those provisions which we have considered as defective, may deceive our expectations, and answer in full, the wishes of the public.—If these are errors, they are easily amended, and the constitution as it is, is far better than a necessity to exist in colonial vassalage. With these views we are determined to give it our decided support, and wish to see its unanimous adoption by the people.”<sup>101</sup>

Activity in the nomination and election of members of the Legislative Assembly was rather overshadowed by the issue of the Constitution. A favorable vote on the Constitution would mean that a new election for members of the legislature would be held in August. This fact no doubt detracted from the interest in the campaign and election. On March 4, 1845, the Democrats of Mahaska County met and in conformity with other counties perfected an organization. The resolutions opposed a Bank and a Protective Tariff, and favored the annexation of Texas and the occupation of Oregon by the United States. Confidence was expressed in the fidelity and capability of Polk and Dodge and the importance of a favorable vote on the Constitution was again emphasized.<sup>102</sup>

An unexpected event now happened which swelled the ranks of the Whig opponents and gave them a new line of attack. Congress on March 3, 1845, had passed “An Act for the Admission of the States of Iowa and Florida into the Union.” In this act Congress had rejected the boundaries prescribed by the Convention of 1844 and had substituted therefor the “Nicollett Boundaries” which greatly

<sup>101</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 225.

<sup>102</sup> *Iowa Capital Reporter*, Vol. IV, No. 9, April 5, 1845.

curtailed the northern and western boundaries of the proposed State.<sup>103</sup>

The news of this restriction by Congress reached Iowa Territory quickly; and with it came a letter from Delegate Augustus C. Dodge, addressed to his constituents. In this communication he reviewed the history of the measure of March 3 and explained its provisions. He strongly urged the acceptance of the new boundaries, closing the letter with the emphatic declaration that "whatever your decision on the first Monday in April next may be, we will not be able hereafter under any circumstances, to obtain *one square mile more* for our new State than is contained within the boundaries adopted by the act of Congress admitting Iowa into the Union."<sup>104</sup>

Democrats now became alarmed and many joined with the Whigs in opposing the Constitution. Enoch W. Eastman, Theodore S. Parvin, Shepherd Leffler, who had been President of the Convention which had formed the Constitution, Frederick D. Mills, James W. Woods, and other prominent Democrats canvassed the Territory in March urging the people to reject the Constitution on account of the objectionable boundaries imposed by Congress.<sup>105</sup>

The people followed the advice of these speakers and at the election of April 7, the Constitution was rejected by 996 votes.<sup>106</sup> In Des Moines, Louisa, and Dubuque counties the vote against it was especially strong. In the House of Representatives there were now nine Whigs and seventeen Democrats while in the elections to the Council only two Whigs had escaped defeat.

<sup>103</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, pp. 125-128.

<sup>104</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 231-235.

<sup>105</sup> Gue's *History of Iowa*, Vol. I, p. 217.

<sup>106</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 179.

A post-election examination of the vote on the Constitution resulted in the following verdict from a Democratic journal:—

The facility for communication throughout the Territory being very inadequate a great portion of our citizens were not in possession of the news [of the Congressional boundaries] until within a few days of the time for taking the vote; and when they did get it, it was, in perhaps a majority of cases, imperfect, tortured and exaggerated. They knew generally, that Congress had altered their boundaries, but we venture to say that a dozen different opinions were entertained with regard to the new boundaries prescribed. . . . Where the news was correctly received, the time was not sufficient for the people to reflect calmly upon the new aspect of affairs and properly digest the subject. . . . The Whig presses, despairing in their efforts to defeat the adoption of our admirable Constitution, by making its intrinsic merits the only issue, seized with avidity upon the means which this state of things offered to them, and dexterously turned them to advantage in the accomplishment of their designs. Inflammatory appeals were made to the people to reject indignantly the conditions of Congress, which were stigmatized as unjust and tyrannical in the extreme. . . . In addition to the above causes, one which has contributed in no small degree to the unexpected result in some sections, and thus jeopardized our Constitution, was a lack of energetic and concerted action on the part of its friends and advocates.<sup>107</sup>

Prompted by such considerations the Legislative Assembly on June 10, 1845, passed over the veto of Governor Chambers "An Act to submit to the people the draft of a Constitution, formed by the late Convention."<sup>108</sup> This measure met a determined opposition from the Whigs of the House of Representatives which was expressed in a protest signed by nine Whigs and printed in the journal of that body.<sup>109</sup>

<sup>107</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 239-240.

<sup>108</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 180.

<sup>109</sup> *Journal of the House of Representatives, Seventh Legislative Assembly*, pp. 166-170.



Shepherd Leffler, of Des Moines County, had championed the measure in the Council. At the April election of 1844 at which the people had decided in favor of a Convention, the vote could not be regarded in any other light than as a very clear and unequivocal indication of public sentiment in favor of a State government. To refer again to the people the question of a Convention or no Convention, as recommended by Governor Chambers and the Whigs generally, would entail large and at the same time unnecessary expense. "Let the Constitution then go to the people", he said in closing. "If they are in favor of a State government, and satisfied with the provisions of the constitution, give them an opportunity to adopt it. If they are not in favor of a State Government, it will not be much trouble or expense to vote down the constitution. If adopted, let it go to Congress again next winter. Give them another fight for the convention boundaries and if we cannot get them, then let us make the next best bargain that we can."<sup>110</sup>

On June 11, 1845, the Democratic Territorial Convention met at Iowa City and unanimously renominated Augustus C. Dodge for Delegate to Congress. The resolutions expressed approval of the measures recommended in the first inaugural of President Polk. They were opposed to the United States Bank, and all banks of discount and deposit were regarded as dangerous to the liberties and blighting to the welfare of the people. They commended the action of the Legislative Assembly in the repeal of the Miners' Bank of Dubuque on May 1, 1845. The Protective Tariff was denounced; they approved of the admission of Texas as a State and regarded the title of the United States to the Oregon country as "clear and unquestionable."

The Convention further resolved "That we heartily ap-

<sup>110</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 253.

prove of the course of our Delegate in Congress, and recommend him to the people of this Territory, as worthy of their support for re-election." They approved highly of the action of the Legislative Assembly in re-submitting to the people in August the Constitution framed in October, regarding it as "thoroughly Democratic and worthy of their confidence and support."<sup>111</sup>

Two days later, on June 13, 1845, the Whigs assembled at the same place and chose Ralph P. Lowe to oppose Dodge, who was censured for "taking sides with Congress in the mutilation of our Territory", and for sacrificing the best interests of his constituents to the desire to secure his own promotion."<sup>112</sup>

During June and July the Constitution again became the vital and engrossing subject in the press, on the political forum, and at political gatherings. The Whigs pointed out and magnified its defects and protested against what they considered the dismemberment of the Territory. During the campaign Mr. Dodge again issued a letter to his fellow-citizens in which he said: "If again sent to Washington as your Delegate, I will go there to carry out your views, opinions, and wishes on this subject, as on all others. The popular feeling has been so clearly and emphatically expressed in relation to the curtailment of our boundaries, as to leave none at a loss to know what it is; and did not my judgment, as it does, tell me that the boundaries called for by the constitution are those best calculated to make Iowa a prosperous State, the duty which a representative owes to those he represents would impel me, were I again called into your service, to devote all my

<sup>111</sup> *The Davenport Gazette*, Vol. IV, No. 45, July 3, 1845.

<sup>112</sup> *Iowa Territorial Gazette and Burlington Advertiser*, Vol. VIII, No. 50, June 21, 1845.

time, talents and energies, towards carrying into effect the voice of those for whom I acted.”<sup>113</sup>

Mr. Lowe’s attack on the Congressional record of Dodge on the boundary question drew a return fire from the Democrats in these words: “It is all important that a friend of the constitution should be sent to Congress with it. Mr. Lowe being opposed to the Constitution, and to admission under it, his election would be fatal to our best interest; it would also be viewed as a condemnation of our Delegate, General Dodge, for demanding in the name of one thousand freemen our convention boundaries.”<sup>114</sup>

But the famous Constitution of 1844 was destined to meet defeat once more. In the August election the people rejected it by a majority of 421 votes. The disappointment of the Democrats was keen, and a journal wrote in tones not unminged with bitter resentment in discussing the causes of the defeat:—

First in the list, stands the pertinacious and wilful misrepresentation of the Whig press relative to the boundaries. . . . The short turn taken by the federal politicians, in charging upon the democratic presses, which have alluded in a spirit of candor, to the pertinacious influence of their fraudulent and dishonest course, a disposition to impeach the intelligence and integrity of the people, is but another proof of their abandoned recklessness. There can be no doubt but that the determined and untiring efforts of our opponents to make the people “believe a lie”—to create the impression that, by adopting the Constitution now, they would accede to the boundaries heretofore prescribed by Congress—has been so far successful in the south and west, where the deepest interest was felt in the boundaries, as to create a division of at least three or four hundred against the constitution.<sup>115</sup>

For the office of Delegate 14,193 votes were cast, of which

<sup>113</sup> Shambaugh’s *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 258.

<sup>114</sup> *Iowa Capital Reporter*, Vol. IV, No. 24, July 23, 1845.

<sup>115</sup> *Iowa Capital Reporter*, Vol. IV, No. 29, August 27, 1845.

Dodge received a majority of 831 over Lowe. When these figures are compared with those for the election of Delegate two years previous—4791 for Dodge and 3372 for Wallace—it shows, after reckoning the increase of voters in two years by immigration, that the Constitution question aroused the full voting strength of the Territory and that it caused great inroads to be made upon the Democratic ranks.

Now, after five or six years of agitation, the Democrats realized that the whole question of Statehood was still before them. But they were neither content nor discouraged. "We were not surprised", a Democratic editor wrote a month after the election, "to find in that most violent and reckless of the Whig prints, the *Standard* of last week, a declaration in favor of remaining a territory, based upon the most short sighted, narrow, penurious, and degrading arguments; and this, notwithstanding that during the canvass, it roundly denied our charge that the Whig press and leaders were secret enemies of admission into the Union. The true position of the Democracy—that of the uniform and consistent friends of State government—which from the first they have occupied, should, and will, be maintained."<sup>116</sup>

A change in the Governorship of the Territory now took place. President Polk on November 18, 1845, removed Governor John Chambers and appointed in his place James Clarke, a talented Democratic editor of Burlington, who had long been active in urging Statehood and who had been a member of the Constitutional Convention of 1844. In his first annual message Governor Clarke deplored the defeat of the Constitution, referring to the "misrepresentation and mystification" that he believed had much to do in causing its rejection. He further assured the Legisla-

<sup>116</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 263.



tive Assembly of his hearty coöperation in any measure looking to the incorporation of Iowa as a State.<sup>117</sup>

On January 17, 1846, the Legislative Assembly passed "An Act to provide for the election of delegates to a Convention to form a Constitution and a State Government."<sup>118</sup> Thirty-two delegates were to be elected in April and were to meet at Iowa City on May 4 to frame a new Constitution.

Realizing their inferiority in numbers, the Whigs at once began to plead for a non-partisan election of the delegates. No caucus, no party, with no bias or constraint but a "People's Convention" was what they desired. The editor of the *Iowa Capital Reporter*, however, wanted no "amalgamation delegates." He would meet the schemes of the Whigs by organizing in every township, county, and district and by nominating the best men.<sup>119</sup>

County conventions were held in March at which delegates were nominated amid choruses of resolutions commending President Polk and rejoicing at the exit of Tylerism. In Jackson County the Democrats had nominated William Hubbell for delegate;<sup>120</sup> the Des Moines County Democrats nominated Shepherd Leffler, Enos P. Lowe, and John D. Wright;<sup>121</sup> in Johnson County the nomination was given to Curtis Bates;<sup>122</sup> and in Jefferson County, William G. Coop and Sulifand S. Ross were chosen by the Democrats.<sup>123</sup>

A slight eruption of abolition sentiment took place in

<sup>117</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 319.

<sup>118</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 187.

<sup>119</sup> *Iowa Capital Reporter*, Vol. V, No. 1, February 11, 1846.

<sup>120</sup> *Iowa Capital Reporter*, Vol. V, No. 5, March 11, 1846.

<sup>121</sup> *Iowa Capital Reporter*, Vol. V, No. 7, March 25, 1846.

<sup>122</sup> *Iowa Capital Reporter*, Vol. V, No. 5, March 11, 1846.

<sup>123</sup> *Iowa Capital Reporter*, Vol. V, No. 7, March 25, 1846.

March in Johnson County. At a meeting nineteen votes were cast, and Asa Calkin was nominated for delegate to the Constitutional Convention which prompted a Democratic editor to remark that "this move looks suspicious and as though there was something rotten in Denmark." At the April election, of the 537 votes cast in Johnson County, Calkin received twenty-one.<sup>124</sup> In the retrospect of later party history in the State this event is interesting because it contained the germs of a movement which caused disintegration of the Whig party and the defeat of the Democrats in 1854.

The elections in April resulted in the choice of twenty-two Democrats and ten Whigs.<sup>125</sup> Discussing the result a Democratic organ said: "But for the divisions which arose among our friends in some counties, and the humbugs of which our opponents availed themselves, the Whig strength in the Convention would have been narrowed down to four or five, all told."<sup>126</sup>

In the Convention the question of chartering banks again became the subject of acrimonious debate and extended discussion. But the superior numbers of the Democrats permitted them to incorporate in the fundamental law the following drastic provision: "No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The General Assembly of this State shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating

<sup>124</sup> *Iowa Capital Reporter*, Vol. V, Nos. 8, 10, April 1, 15, 1846.

<sup>125</sup> Shambaugh's *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, Appendix, pp. 414-415.

<sup>126</sup> *Iowa Capital Reporter*, Vol. V, No. 29, April 29, 1846.

paper to circulate as money.”<sup>127</sup> They were careful to forestall many of the objectionable features which had brought defeat upon former Constitutions.

For the third time a campaign was to be waged over a State Constitution. The Whigs once more raised the cry of a party Constitution, but directed the main force of their arguments against the radical section which prohibited banking institutions. “The effect of the article on Incorporations”, they declared, “will be to make Iowa the plunder *ground* of all the Banks in the Union.”<sup>128</sup> It would deluge Iowa with worthless bank notes, scrip, and shin-plasters from the neighboring Commonwealths.

The Democrats, however, replied to these arguments in emphatic statements of fact. “The members of the Convention were *doubly* instructed to provide this prohibitory clause against banks—first, by the rejection of the instrument which *did not* prohibit them—and secondly, by the most unequivocal expressions of the people at their primary assemblies and through the ballot box.

“Every democratic convention for the nomination of Delegates, adopted resolutions for their instruction, denouncing banks as intolerable nuisances, and the greatest of public evils; and by most of them it was distinctly declared that they ought to be prohibited. Among the conventions that were held in the territory, we have yet to learn of the first one, Whig or Democratic, which has openly declared in favor of banks. If there has been such expression, from any quarter, it has escaped our notice.”<sup>129</sup>

<sup>127</sup> *Constitution of 1846*, Article IX, Section 1.

<sup>128</sup> The letter of William Penn Clarke to the electors of Johnson County is a masterly presentation of the Whig arguments against the Constitution of 1846 and is an invaluable historical legacy to the political and constitutional history of Iowa.—Printed in Shambaugh’s *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, pp. 347-365.

<sup>129</sup> Shambaugh’s *Fragments of the Debates of the Iowa Constitutional Conventions of 1844 and 1846*, p. 345.

Until August 3, 1846, the debate on the Constitution continued unabated. The returns from the twenty-eight counties showed that the people had adopted the Constitution by a majority of 456 votes.<sup>130</sup> A total of 18,528 votes had been cast at the election, and the Constitution had received a majority in seventeen out of the twenty-eight counties.<sup>131</sup> It was with a degree of satisfaction that Governor Clarke issued a proclamation on September 9, 1846, declaring the acceptance of the Constitution and calling for an election on October 26 for State officers, two Representatives in Congress, and members of the General Assembly.<sup>132</sup>

Again the machinery of the parties—committees, caucuses, and conventions—was put into motion, grinding out their products in the form of delegates, platforms, and nominations. The first Democratic State Convention assembled in Iowa City on September 24, 1846. Flushed with their recent victory they made the following nominations: for Governor, Ansel Briggs, of Jackson County; for Secretary of State, Elisha Cutler, Jr., of Van Buren County; for Auditor, J. T. Fales, of Linn County; and for Treasurer, Morgan Reno, of Johnson County.

A set of nine ringing resolutions was adopted, and in them can be discerned an undertone of pride over the emergence of the Territory to be the peer of the older States. No platform of State policy is present, but banking institutions once more receive Democratic condemnation. The resolutions reflect also a new feeling of interest and active participation in the leading national issues. The text of

<sup>130</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 213.

<sup>131</sup> Complete returns of the election were not received from the counties of Delaware and Buchanan.

<sup>132</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 358.



the resolutions as adopted by the Convention<sup>133</sup> reads as follows:—

1. *Resolved*, That the conduct of James K. Polk, since he has been President of the United States, and particularly during the last session of Congress, has been that of an unwavering and unflinching Democrat. That young hickory has proved himself to be a true scion of old hickory; and we tender to him and to his coadjutors in the executive department the gratitude of the people of the State of Iowa.

2. *Resolved*, That the recent session of Congress has been one of the greatest importance to the people of these United States, since the time of Mr. Jefferson, and we confidently regard the acts passed by it, particularly the passage of the Independent Treasury Bill, the settlement of the Oregon Question (though the people of Iowa would have preferred 54, 40), and the repeal of the odious tariff act of 1842, as destined to advance the welfare, promote the interest, and add to the peace and harmony, not only of our people, but of the civilized world.

3. *Resolved*, That the repeal of the unjust, unequal, and fraudulent tariff act of 1842, at the recent session of Congress, deserves the highest praise from the people of Iowa, and entitles those members of Congress who voted for it, to the lasting gratitude of all good citizens. That by its minimum and specific duties—by its unequal and unjust protection of the capitalists and moneyed institutions, and by its casting the burden of taxation on the laboring masses, and exempting the upper ten thousand, it was absolutely a federal tariff, based on the doctrines of the great God-like Belshazzar of Massachusetts, viz: "Let the government take care of the rich, and the rich take care of the poor." That the conduct of the Vice-President of the United States, upon that great question of the age, entitles him to the highest place in the confidence of the Democracy of the United States.

4. *Resolved*, That all modes of raising revenue for the support of the government, are taxes upon the capital, labor and industry of the country; and that it is the duty of a good government to impose its taxes in such a manner as to bear equally on all classes

<sup>133</sup> The proceedings of this Convention are to be found in Fairall's *Manual of Iowa Politics*, pp. 17, 18.

of society; and that any government, which, in levying duties for raising revenue, impresses burdens on any one class of society, to build up others, though republican in form, is tyrannical in deed, ceases to be a just government, and is unworthy of the confidence or support of a free people.

5. *Resolved*, That the separation of the public moneys from the banking institutions of the country, in the passage of the Independent Treasury Bill, meets the approbation of this convention, and the recent vote of the people of this State, adopting the constitution, is a decisive indication of public sentiment against all banking institutions of whatever name, nature or description.

6. *Resolved*, That the repeated unjust aggression of the Mexican people and Mexican government, have long since called for redress, and the spirit which has discouraged, opposes and denounces the war which our government is now carrying on against Mexico, is the same spirit which opposed the formation of a Republican government, opposed Jefferson, and denounced the last war with Great Britain, and now, as they did then, from a federal fountain.

7. *Resolved*, That General Taylor and our little army have won for themselves the everlasting gratitude of the country, for which they will never, like Scott, be exposed to a shot in their rear from Washington, or any other part of the country.

8. *Resolved*, That we repudiate the idea of party without principles; that Democracy has certain fixed and unalterable principles, among which are equal rights and equal protection to all, unlimited rights of suffrage to every freeman, no property qualifications or religious tests, sovereignty of the people, subjection of the Legislature to the will of the people; obedience to the instructions of constituents or resignation; and restriction of all exclusive privileges to corporations to a level with individual rights.

9. *Resolved*, That, henceforth, as a political party, we are determined to know nothing but Democracy; and that we will support men only for their principles. Our motto will be, less legislation, few laws, strict obedience, short sessions, light taxes, and no State debt.

A brief and spirited campaign followed, resulting on October 26, 1846, in the election of Democratic State officers and the choice of two Democratic Representatives in

Congress. On December 3, 1846, Ansel Briggs was formally inaugurated as Governor; and in his first message he congratulated the General Assembly at the transition of Iowa from a "dependent Territory to an independent and sovereign State."

In this history of the Democratic party we see the introduction and the development of party machinery. The instincts and ideas of politics were in the pioneers, who had been schooled in political thought and methods in the older States of Ohio, New York, Massachusetts, Virginia, Kentucky, and Tennessee. In Iowa Territory, therefore, we find, prior to the organization of the parties, caucuses and conventions, committees and delegates. Later politics produce the central and the county committees, campaign clubs, committees of vigilance and election, announcements of candidates in the press, cartoons, broadsides and proclamations. On the stump are seen the picturesque elements of oratory and debate; while the emotional demonstrations appear in parades and processions. In brief there were present before the close of the Territorial period all the main features of our highly developed present day election machinery and methods.

National issues were ever present in the political history of the Territory. The policies of Jackson and Benton were contrasted with those of Webster and Clay. The National Bank and the policies in regard to public lands were widely discussed and left their impress upon the later history of the State. The Democrats opposed the Protective Tariff and demanded a just equalization of public improvements and an economical policy in public expenditures. The alliterative slogan of "fifty-four forty or fight" became their watchword in the discussion of the Oregon question; they justified President Polk and the

Mexican War; and they applauded the exploits of General Taylor beyond the Rio Grande.

The supremacy of the Democratic party in Iowa Territory during the greater part of ten years from 1836 to 1846 bestows upon it the praises and the blame for its accomplishments. Everywhere can be seen the transplanting of political forces and creeds from other States, which, in the crucible of pioneer conditions, became fused into new political activities. The influence of Andrew Jackson was constant and powerful upon the spirit and organization of the party and in the blighting effects of the spoils system. The incessant condemnation of Henry Clay by the Democrats of Iowa Territory was but the echo of Jackson's enmity and hatred of his old time political foe; and the personal abuse and vilification in campaigns represents a true mirror of the party history of this period.

The Constitution of 1846 with its merits and defects represents a true contemporary product of the Democratic party—defects which demanded its revision a decade later, and merits which remain to-day as a part of the fundamental law of the Commonwealth. "As a citizen of Iowa", said Augustus C. Dodge, in speaking of the Constitution of 1844, "I felt proud of the many encomiums I heard passed upon the constitution during the past winter at Washington, by many of the most distinguished men in the country." It will ever be to the credit of the Democratic party of the Territory that the local pride and patriotism of a large number of its members prompted them to join with the Whigs in April, 1845, in defeating the Constitution of 1844 and thus preventing territorial dismemberment by the Congressional boundaries.

The history of the Democratic party is honored by the names of its leaders during this decade of the Territory. Lucas, Dodge, Clarke, Chapman, Cox, Leffler, and Williams



are the names of men whose talents and energies helped to vitalize Territorial legislation and administration. And finally, the faith of the party and its devotion to the people is reflected in its efforts and perseverance, amid the stormy opposition of the Whigs in the Legislative Assembly, conventions, and campaigns, to minister to the public will and welfare and to pilot the young Territory over the uncharted ways to Statehood.

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## THE HISTORY OF LIQUOR LEGISLATION IN IOWA 1846-1861

In a former paper<sup>1</sup> an effort was made by the writer to trace briefly the history of liquor legislation in Iowa prior to the organization of State government in 1846. In this paper it is his purpose to resume the narrative and carry it down to the year 1861. This date is chosen as a line of division for the reason that during the four years from 1861 to 1865 very little attention was given to the liquor question, affairs of National consequence occupying the minds of the people.

Since statutes are for the most part enacted to meet some actual need or in response to some wide spread desire on the part of the people, any account of liquor legislation in Iowa would be incomplete without some consideration of the conditions which have given rise to that legislation. Therefore, a considerable part of this paper will be concerned with the movements behind such laws as were enacted from time to time.

### THE LOCAL OPTION LAW OF 1847

The temperance movement, which had given evidence of considerable strength during the earlier years of the Territorial period, seems to have lost much of its vitality during the later years when the matter of Statehood was the all-absorbing topic of public interest. Even the local temperance societies, which in their united efforts had exerted such potent influence in securing liquor legislation, seem to have ceased their activities to a great extent during these later years of the Territorial period.

<sup>1</sup> THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. V, No. 2, p. 193.

It is obvious that the law enacted by the First General Assembly of the State of Iowa can not be accounted for on the grounds of any widely expressed desire on the part of the people of the State. Moreover, it is surprising that a law so radically opposed to the precedents of Territorial legislation should have been passed at this time, since the principle of local option which it embodied had received but little consideration during Territorial days.

On February 15, 1847, "An Act providing that the legal voters in each township [shall] determine at the township elections, whether the County Commissioners shall grant license for retailing intoxicating liquors in their respective counties or not",<sup>2</sup> was approved by the Governor. As the title indicates, a vote was to be taken at the annual township election, on the question of "license" or "no license." The vote was to be by ballot and a majority of all the votes cast in each county was required. According to the returns from these elections the County Commissioners were to determine whether or not licenses to sell intoxicating liquors should be granted in their respective counties during the ensuing year.

The results of the April (1847) elections were awaited with interest, both by the advocates of local option and by those who would have preferred a prohibitory law. That the matter was considered important is indicated by the following extract from an article entitled, *Appeal to the Voters of Iowa*:—

On the first Monday in April will be submitted to your decision at the ballot box, one of the most momentous questions on which you were ever called to act. . . . It is the question whether you will by your vote authorize the retailing of intoxicating drinks, and thereby give a legal sanction to the business, and become responsible individually for all the consequences that result therefrom.<sup>3</sup>

<sup>2</sup> *Laws of Iowa*, 1846-47, p. 62.

<sup>3</sup> *The Bloomington Herald*, Vol. I, No. 46, Friday, April 2, 1847.

The election was held on April 5, 1847, and the results were such as to satisfy even the most ardent supporter of the temperance cause. Every county in the State decided against license except Keokuk County.<sup>4</sup> The vote is a certain indication that the people were keenly interested in the temperance question, even though that question had for several years been forced into the background by more pressing problems. Retail dealers in intoxicating liquors were now compelled to close their shops, and either engage in other business or remove from the State. Thus the immediate result of the law of 1847 was all that could be desired by the advocates of the cause of temperance.

In addition to this local option law the sale of intoxicating liquor was, at this same session of the General Assembly as well as at many succeeding sessions, touched upon incidentally in acts incorporating towns and cities; but since these instances are merely provisions permitting the local authorities to regulate the liquor traffic in their respective corporations, it will not be necessary to consider them in this connection. Their provisions are practically uniform and add nothing of importance to the history of liquor legislation.

#### THE SONS OF TEMPERANCE

Early in the year 1847 the beginning of a movement, which was soon to spread over the State and take the place of the local temperance societies, is seen in the organization of lodges or fraternal societies known as "Sons of Temperance". The order was National in its scope, and had already been instituted in other States as early as 1844—the year in which the first meeting of the National division was held. By the summer of 1847 there were in the United

<sup>4</sup> *The Iowa Standard* (Iowa City), New Series, Vol. I, No. 42, Wednesday, April 21, 1847.



States, besides the National division, twenty-two grand or State divisions, and over thirteen hundred subordinate divisions,<sup>5</sup> with a total membership of 100,000 as compared with 10,000 in 1845. And by the summer of 1848 the membership in the United States had increased to 220,000, showing a growth of 120,000 in one year.<sup>6</sup>

The expressed objects of the order were: "(1) A Universal Temperance Reformation. (2) A Brotherhood in Love, Purity and Fidelity. (3) The pecuniary relief of sick Brethren. (4) The encouragement of Morality. (5) The diffusion of Good Will to all mankind." The following is the pledge taken by the members: "No brother shall *make, buy, sell, or use as a beverage*, any Spirituous or Malt Liquors, Wine or Cider."<sup>7</sup>

In Iowa, as has been indicated, the order of the "Sons of Temperance" seems to have had its origin soon after the organization of State government in 1846. A grand division was organized on February 1, 1848, and a report in March of the same year shows that there were twenty-four subordinate divisions.<sup>8</sup>

As was the case in the Nation at large, the order in the State of Iowa had, during its earlier years, a flourishing existence. By 1850 there were nearly eighty local organizations in as many different towns.<sup>9</sup> The influence of the order in moulding public opinion was undoubtedly very great. The efficiency of its organization and the community of interests between the various lodges resulted in more united and effective efforts than had been possible

<sup>5</sup> *Keokuk Register*, Vol. I, No. 7, Saturday, July 10, 1847.

<sup>6</sup> *Keokuk Register*, Vol. I, No. 51, Thursday, May 11, 1848.

<sup>7</sup> *Keokuk Register*, Vol. I, No. 6, Saturday, July 3, 1847.

<sup>8</sup> *Journal of the Proceedings of the Grand Division of the Sons of Temperance, of the State of Iowa, 1848-1850*, p. 14.

<sup>9</sup> *Journal of the Proceedings of the Grand Division of the Sons of Temperance, of the State of Iowa, 1848-1850*, p. 14.

with the scattered and independent temperance societies of Territorial days. It is an interesting fact, however, that the active existence of the "Sons of Temperance" in Iowa is confined almost entirely to the period of the first State Constitution. By the year 1854 a decline in the energy of the order is noticeable, and by 1857 it seems to have been largely merged in another order known as the "Good Templars."

#### THE LICENSE LAW OF 1849

The local option law of 1847, which at the outset had been so promising, was soon discovered to be inadequate and unsatisfactory. The liquor dealers, who at first had been compelled to close their shops, soon found it possible to carry on their business secretly; while in many instances liquor was sold openly. Thus the first experiment in allowing the people to decide whether or not liquor should be sold, was a failure.

The General Assembly, at its second regular session, evidently realizing the failure of the legislation of 1847 passed "An Act regulating grocery license"<sup>10</sup> which was approved January 13, 1849. This act was practically a return to the policy pursued by the Territorial legislature. The granting of licenses to sell intoxicating liquors was left to the discretion of the Board of County Commissioners. Anyone desiring a grocery license was forced to make application to this Board, "who shall issue their warrant, directing the person so applying to pay into the county treasury a sum not exceeding one hundred and twenty-five, nor less than fifty dollars, as the case may be, in the discretion of the board, and obtain the treasurer's receipt for the same, and upon the presentation of such receipt the board shall grant to such applicant a license to keep a

<sup>10</sup> *Laws of Iowa*, 1848-49, p. 80.

grocery in said county for the term of one year." Furthermore it was provided that the Commissioners might, if they chose, refuse to grant a license to anyone, and the penalty for selling without a license was fixed at fifty to one hundred and fifty dollars for each offense. There was, however, this proviso: "That no provision of this act shall be so construed as to interfere with or in any way to abridge the powers and privileges granted to cities or incorporated towns within this State."

This law was not of a sufficiently radical nature to call forth a very decided approval or opposition. It was simply a return to a condition to which a majority of the people were accustomed. There was, to be sure, some difference of opinion in regard to the use made of the power given to the County Commissioners, and in regard to the granting of licenses in general.

A Muscatine newspaper comments upon the power which the act placed in the hands of the County Commissioners, and complains that "instead of using that power which has been placed in their hands by the Legislature, to an advantage which would prevent drunkenness and licentiousness in our midst, they took a course that will be the means of encouraging grog shops to contaminate the now quiet and peaceable town of Muscatine, and be instrumental in making many homes miserable and unhappy."<sup>11</sup> This tirade was occasioned by the fact that a man by the name of Stein had been granted a license by the County Commissioners after having been refused one by the town trustees. The editor considered such a course of procedure as a violation of the proviso above noted.<sup>12</sup>

<sup>11</sup> *Muscatine Journal*, Vol. I, No. 12, Saturday, July 28, 1849.

<sup>12</sup> The Supreme Court of Iowa rendered a decision on this point in the case of *The State v. Neeper* (3 Greene 337), in which it was held that the general license law of 1849 did not in any way interfere with special privileges which had been granted to towns or cities.

Another paper, published at the same place, takes a different view of the matter of granting licenses. Evidently the town trustees of Muscatine had refused to grant grocery licenses, for the editor remarks that "While refusing licenses altogether, we have had no less than three retail liquor establishments all the time—and the Treasury has received the sum of *ten dollars* in fines! What have we gained by the course pursued? Nothing! Worse than nothing! Instead of proving any benefit, it has been productive of evil."<sup>13</sup>

There were at this time two leading views as to the best method of dealing with the liquor problem. Some held that the traffic should be absolutely prohibited, thus withdrawing the support of legality and absolving the State from responsibility for the evil results of intemperance. On the other hand, there were those who believed that, since prohibition had thus far failed to prohibit, a license system with adequate penalties was preferable. They contended that no more liquor was sold under a license law than under prohibition, and that the sale of licenses was a fruitful source of revenue. In this connection it might be added that the question of license or prohibition has throughout been the chief bone of contention in the history of the temperance movement in this State.

#### PROVISIONS OF THE CODE OF 1851

The Code of Iowa which was approved by an act of the General Assembly on February 5, 1851,<sup>14</sup> contains a chapter on *The Sale of Intoxicating Liquors*,<sup>15</sup> which was to a certain extent prohibitory. The law declared that "The

<sup>13</sup> *Iowa Democratic Enquirer* (Bloomington), Vol. II, No. 44, Thursday, May 16, 1850. This paper clung to the name Bloomington, even though the town had been called Muscatine for nearly a year.

<sup>14</sup> *Laws of Iowa*, 1850-51, p. 230.

<sup>15</sup> *Code of Iowa*, 1851, p. 144.



people of this state will hereafter take no share in the profits of retailing liquors, but the traffic in those commodities as articles of merchandise is not prohibited." Another clause, however, contained this provision: "The retail of intoxicating liquors in the manner which is commonly denominated 'by the glass' or 'by the dram' is hereby prohibited, and the sale of liquors in any quantity with a view to their being drank on or about the premises is a selling by the dram within the meaning of this section."

It may be readily observed that, as far as the suppression of intemperance is concerned, this law was of little value. Evasion of its provisions was a comparatively easy matter, since the sale of liquors as merchandise was not prohibited. Indeed it may be said that the traffic was practically without restraint, and as much liquor was sold and consumed as at any previous time. The only difference was that the State received no share of the proceeds.<sup>16</sup>

#### MOVEMENT TOWARD PROHIBITION

The law of 1851 was unsatisfactory both to those who favored prohibition and to those who opposed it, since it neither effectually prohibited nor gave the State the benefit of revenue from the sale of licenses. And so there followed a struggle between the two opposing groups to secure legislation more in keeping with their respective views.

The winter of 1850-1851 may be said to mark the beginning of petitions to the legislature for the enactment of liquor laws. There had, before this time, been a few scattering petitions from local communities and organizations, but they had not expressed a sufficiently united desire to be

<sup>16</sup> Decisions of the Supreme Court of Iowa, interpreting certain provisions of this law and upholding its constitutionality are to be found in the cases of *Our House No. 2 v. The State* (4 Greene 172), and *Zumhoff v. The State* (4 Greene 526).

of much influence. However, the petitions sent in during this winter denote a more united and determined effort.

One of these petitions deserves especial attention. It had been circulated widely throughout every county in the State by the various temperance organizations and was signed by many thousands of people. The petition reads as follows:—

*To the Honorable, the General Assembly of the State of Iowa.* The undersigned your fellow citizens and constituents, in the exercise of their Constitutional right to Petition, earnestly ask of your Honorable body the repeal of all existing License Laws authorizing the sale of Spirituous Liquors within this State, and the enactment of a Law prohibiting entirely, under adequate penalties, the traffic in intoxicating drinks as a beverage.<sup>17</sup>

To this was added in writing in many cases: “to be submitted to the people for their approval.”

Many other petitions of a similar nature were sent to the legislature at this time from individuals, organizations, and communities. There were also a few counter petitions remonstrating against the enactment of prohibitory legislation. The answer of the General Assembly was an approval of the law contained in the Code of 1851, which of course was a disappointment to the friends of prohibition. “Drinking is on the increase in this region”, said a writer in *The Sunbeam*, the newly established organ of the State Temperance Society, “and the friends of Temperance are somewhat discouraged, *because* their previous efforts have not been attended with better results.” He suggested that the best way to reach the desired object was “to start the Temperance Car on the platform of the temperance law in the *State of Maine*.”<sup>18</sup>

From this time until the enactment of the prohibitory

<sup>17</sup> Public Archives, Office of the Secretary of State, Des Moines.

<sup>18</sup> *The Sunbeam* (Keokuk), Vol. I, No. 2, Monday, January 16, 1852.

law in 1855, the "Maine Law" became the slogan of the prohibition advocates, and the securing of a similar statute for Iowa was the goal of their ambition.

The famous "Maine Law", which had since its enactment served as a model for prohibitory legislation, was approved by Governor Hubbard, of Maine, on June 2, 1851. The law was drafted by General Neal Dow, Mayor of Portland and a well-known temperance leader, after a careful comparison of all previous legislation by the various States on the subject of intoxicating liquors. The law "prohibited the manufacture of intoxicants, and their sale except by agents authorized by towns to sell for medicinal and mechanical purposes only; provided for the punishment of first offenses by fines, subsequent offenses by fines and imprisonment; made clerks, servants, and agents equally guilty with their principals; and made it the duty of selectmen of towns and mayors or aldermen of cities to prosecute violation of the law upon the information of competent persons."<sup>19</sup>

Undaunted by the failure of their first great attempt, the advocates of prohibition for Iowa rallied again during the winter of 1852-1853 and literally flooded the Fourth General Assembly with petitions for a prohibitory law. It was almost a repetition of the days of John Quincy Adams and the anti-slavery petitions in Congress. Moreover the fate of the petitions for prohibition was very similar to that of those against slavery: they were either laid upon the table or referred to some committee and little heed paid to them.<sup>20</sup>

Perhaps the effect of the petitions was neutralized by the

<sup>19</sup> *The Liquor Problem in Its Legislative Aspects*, by Frederic H. Wines and John Koren, p. 25.

<sup>20</sup> See *Journal of the Senate and Journal of the House of Representatives*, 1852-53.

attitude of Governor Hempstead toward the liquor problem. In his first biennial message, transmitted December 7, 1852, he took a decided stand in favor of license as opposed to prohibitive measures. It was his opinion "that a judicious license system, placed under the control of the local authorities, could be made more efficient for good than other legislation."<sup>21</sup> The outcome of it all was that the General Assembly passed no law whatever on the subject; and so for a second time the petitions of the Prohibitionists failed to bring about the desired result.

The determination of the temperance leaders is evidenced by the manner in which they arose from their second defeat and proceeded on an even more vigorous campaign. Efforts were made to raise a fund for carrying on the work more effectively. Subscription lists, called "The Tut-hill Proposition" and "The Friend Proposition", were circulated among the friends of the cause. The former was an appeal for "fifty persons appropriating Ten Dollars each"; while the latter called for "one hundred persons appropriating Five Dollars each."<sup>22</sup> The response to these "propositions" seems to have been fairly liberal.

In the midst of the lamentations over existing conditions, and the agitation for a "Maine Law", a refreshingly sane note was sounded by the editor of *The Sunbeam*, the official temperance paper. He called attention to the fact that although the existing liquor law was acknowledged to be far from effectual, nevertheless its provisions should be enforced and the friends of temperance would do well to bear this in mind. "With what encouragement," said he, "could we approach the legislature, and demand of them, the passage of a more stringent law with the fact staring

<sup>21</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 439.

<sup>22</sup> *The Sunbeam* (Keokuk), Vol. II, No. 11, July 1, 1853.



us in the face, that the statute we now have, has not been put in force!"<sup>23</sup> This was valuable and much needed advice; since in their desire to secure a prohibitory law the people paid very little attention to the execution of the statute they already had, except to bewail its lack of beneficial results. They seemed to forget that a law cannot enforce itself.

A State Temperance Convention, which seems to have been largely attended, met at Iowa City on December 21, 1853. Joseph Williams, Chief Justice of the Supreme Court, was the presiding officer. The resolutions adopted at this time embrace an endorsement of the movement for a prohibitory law, and a determination to vote "for no man to make and execute our laws who is not decidedly and unequivocally in favor of the passage and enforcement of a law prohibiting the sale of intoxicating liquors as a beverage." Furthermore, every person was urged to use "all honorable and lawful means" to ensure the enforcement of the existing law until a more stringent one could be enacted.<sup>24</sup>

At this convention also, a tribute was paid to Robert Lucas, the first Governor of the Territory of Iowa, who died February 6, 1853. He had, during his service as Governor and in the years which followed, taken an active interest in the temperance cause and he had been one of the most influential leaders in securing legislation on the subject.

The plan adopted by the citizens of Mount Pleasant for regulating the liquor traffic in their own community furnishes a unique and interesting episode in the movement toward prohibition. By means of a general contribution all the liquor then on hand in the town was purchased and

<sup>23</sup> *The Sunbeam* (Keokuk), Vol. II, No. 13, August 1, 1853.

<sup>24</sup> *The Sunbeam* (Keokuk), Vol. II, No. 23, January 2, 1854.

placed at the disposal of a few physicians, who were to have control of the manner in which it should be used and of the purposes for which it should be dispensed. Moreover, the account of the affair states that "a compact has been entered into to prevent the introduction of intoxicating drinks for the future."<sup>25</sup>

During the year 1854 temperance lecturers were particularly active throughout the State. Numerous "temperance meetings" were held from time to time, especially in the eastern counties, and in many communities societies known as the "Maine Law League" were organized. Every effort was being made to bring an irresistible influence to bear upon the legislature at its next session.

#### TEMPERANCE AND POLITICS

Temperance leaders had, since the earliest Territorial days, been decidedly opposed to any introduction of the temperance question into politics. Efforts to use temperance organizations in securing the election of members to offices in the community, or for any other political purpose, had been heartily condemned by press and public. And this was an idea to which the people clung for many years. As late as 1853 an editor voiced the attitude, taken by a great many people, in the following words:—

As a citizen, and as the head of a family, we feel the deepest solicitude in the universal and permanent success of the temperance cause—but as a voter we shall ever feel impelled to resist any attempt to make such an organization pander to the necessities of any political party whatever. Such a combination could only be degrading to the one, while it would be disastrous to the other. We have lived long enough in politics to know that any party which ties itself to any ism, or seeks to draw to itself any particular set of outsiders, is bound to go overboard at the ballot box.<sup>26</sup>

<sup>25</sup> *Burlington Daily Telegraph*, Vol. III, No. 192, Saturday, January 28, 1854.

<sup>26</sup> *Burlington Daily Telegraph*, Vol. III, No. 77, Friday, September 9, 1853.

Again he declared emphatically:—

To erect it [the cause of temperance] into a distinct organization for political as well as moral purpose, would be to array against it many of its own friends, as well as the masses of all parties.<sup>27</sup>

Certain resolutions, however, adopted by the State Temperance Convention (mentioned above), which met at Iowa City, December 21, 1853, indicate that a majority of the leaders had, by this time, come to view the connection of the temperance question with politics in a very different light. They had come to realize that to secure the legislation they desired, they must elect men to the legislature who were pledged to support their principles, or, at least, that there must be some special inducement to vote for such a law. The only way to secure this result was to force the matter into politics, and make the temperance question an article in their political creed. Accordingly the members of the convention, as has been stated, declared that they would vote for no man for the position of a legislator who was not committed to the support of a prohibitory law. Furthermore, they adopted the following resolution which clearly defines the position assumed:—

*Resolved*, That as above intimated, we do not contemplate the organization of any third or separate party, but only and simply the enactment and enforcement of stringent prohibitory liquor laws; but if the political organizations of the day turn a deaf ear to our petitions and remonstrances, and attempt to force upon us rulers and law makers who are opposed to the legal enactments and enforcements before referred to, we will, relying on the justice of our cause, rally round the standard of the truth, and do battle for the right, in a separate and distinct organization.<sup>28</sup>

This ultimatum on the part of the Prohibitionists had an immediate result. The two leading political parties, the Whigs and the Democrats, were about evenly matched in

<sup>27</sup> *Burlington Daily Telegraph*, Vol. III, No. 159, Tuesday, December 20, 1853.

<sup>28</sup> *The Sunbeam* (Keokuk), Vol. II, No. 23, January 2, 1854.

the State at this time, and it was realized that the election of 1854 would be a battle royal. Consequently each party was anxious to attract to its standard every possible vote. The Whigs, more shrewd at this sort of a game than their opponents, were quick to see the opportunity presented in the declaration of the temperance leaders to bind closely to themselves a large number of votes which otherwise they might have lost. The Whig State Convention which assembled at Iowa City on February 22, 1854, placed the following plank in their platform:—

*Resolved*, That we believe the people of this State are prepared for, and their interests require, the passage of a law prohibiting the manufacture and sale of ardent spirits within the State as a beverage.<sup>29</sup>

In the campaign of 1854 the Whigs chose James W. Grimes as their candidate for Governor; and the Democrats nominated Curtis Bates. Efforts were made by the temperance people to discover the attitude which, if elected, these candidates would assume toward the enactment of a prohibitory law. The following letter to the Rev. Henry Clay Dean clearly indicates the position taken by Grimes in regard to the matter:—

I have received your letter of the 28th of February, in which you addressed to me the following question: "Should you be elected, will you veto, or approve, such a law, consistent with the constitution of the State, as may be enacted by the State Legislature, for the prohibition of the sale of ardent spirits as a beverage?" And I hasten to reply, most unequivocally, that I should certainly approve such an act.

It has ever been a principle of the Whig party that the Executive veto should be exercised only for the greatest constitutional reasons, all reasons of expediency should be determined by the legislative department of the Government. And should I be so fortunate

<sup>29</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 38.



as to be elected, I should endeavor to avoid encroachment in the remotest degree upon the prerogative of that department.<sup>30</sup>

The attitude of the Prohibitionists toward Grimes and Bates is perhaps best summed up in the following extract from an editorial:—

CANDIDATES FOR THE OFFICE OF GOVERNOR.—CURTIS BATES, Esq., of Fort Des Moines, as a *Democratic* nominee for Governor, is personally an *amiable and temperate man*. He has replied to the letter of Rev. Henry Clay Dean that “*within the limitation therein named, he would not veto a prohibitory law;*” that is, a constitutional law. Mr. Bates, as far as is known, has never identified himself with any organization of temperance, in Iowa.

JAMES W. GRIMES, Esq., of Burlington, the Whig nominee for Governor, so far as relates to the *veto* power has replied, in his circular, that “he will not veto either a prohibitory or a license law, if enacted, in case of his election.” But his course in the Legislature of 1852-3, as well as his reply to the committee of the State Temperance Convention, alike show, his *decided preference for a prohibitory law for the entire State*. Besides, Mr. Grimes has been for several years, a member of the most prominent order of Temperance. He has been therefore, *committed to the total abstinence cause*, as a man; and that too, *before his nomination for Governor of the State*.<sup>31</sup>

The election was held on the first Monday in August, and James W. Grimes was elected Governor by a narrow margin. It is undoubtedly a fact that his success was due, in some measure, to the stand taken on the temperance question by the party which he represented, as well as by his own personal attitude toward prohibition; since these circumstances secured for him the hearty support of the temperance faction.

It was not alone in the race for the governorship that the Prohibitionists made their influence felt. The candi-

<sup>30</sup> Salter's *Life of James W. Grimes*, p. 50.

<sup>31</sup> *Iowa State Journal, and Sunbeam* (Iowa City), Vol. III, No. 23, July 27, 1854.

dates for United States Representative from the second Congressional District were James Thorington and Stephen Hempstead (whose term as Governor expired that year). Thorington, the Whig nominee, had the advantage of the leaning of the temperance men toward his party and his own previous record as a friend of the cause. Hempstead, the Democratic candidate, on the other hand, had incurred the dislike of the prohibition advocates both by recommending a license law, and by his continued opposition to a prohibitory enactment. Thorington was elected by a majority of about fifteen hundred votes, much to the delight of the Prohibitionists, as is indicated by the following comment in the official temperance organ:—

From all that has been heard, a majority of the next Legislature, the Governor Elect, and the Representative of the Second Congressional district, . . . are decidedly in favor of *the Maine Law*, or of prohibiting the sale and manufacture of intoxicating liquors, as a beverage. By whatever legitimate means, this triumph of temperance principles has been achieved, it is a glorious victory for Iowa. . . . Especial gratification is felt in the defeat of Governor Hempstead, by many Democrats, Whigs and Free Soilers, from the ground which he so unblushingly took in the canvass, that the Maine Law was unconstitutional, carrying everywhere the proposition or idea, that any such law was sumptuary in its character, prescribing what men should drink and eat and the like.<sup>32</sup>

Thus it is evident that the first appearance of prohibition as a political issue in Iowa caused considerable disturbance, and resulted very favorably for the friends of the cause. Since 1854 the temperance question has been an ever-present factor in Iowa politics, varying in prominence and importance as the periodic waves of reform have swept over the State, and causing much anxiety to party leaders.

<sup>32</sup> *Iowa State Journal, and Sunbeam* (Iowa City), Vol. III, No. 25, September 1, 1854.

## THE PROHIBITORY LAW OF 1855

The General Assembly met for its fifth session on December 4, 1854; and almost immediately petitions for a prohibitory law began to pour in. This time, instead of being laid on the table, they were, in both houses, referred to a select committee appointed for that purpose.

Governor Hempstead, in his second and last biennial message, took the opportunity to make a final recommendation in favor of a license law. He stated his belief that such a law would have the desired effect of checking intemperance, and at the same time would provide a source of revenue for cities, towns, or counties. On the other hand, he claimed that a prohibitory law would not only fail to remedy the evil, but was "an unnecessary infringement upon the natural and constitutional rights of the citizen." In conclusion, he said that "Although this question has been thrust into the political arena, and made to figure extensively in our elections, yet, as guardians and representatives of constitutional supremacy, and the rights of citizens under that government, you will carefully examine the subject which has thus been presented, and make such provisions as may seem to you the best calculated to promote the public good."<sup>33</sup>

The recommendation of the retiring Governor, however, had very little weight with the legislature, a majority of the members of which were of the opposing party. More attention was paid to the following statement, made by Governor Grimes in his inaugural address which was delivered December 9, 1854: "There is a strong public sentiment in favor of a radical change of the present laws regulating the manufacture and sale of intoxicating liquors.

<sup>33</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 461, 462.

Every friend of humanity earnestly desires that something may be done to dry up the streams of bitterness that this traffic now pours over the land. I have no doubt that a prohibitory law may be enacted, that will avoid all constitutional objections, and meet the approval of a vast majority of the people of the State."<sup>34</sup>

On December 13, 1854, Amos Witter, of Scott County, introduced in the House of Representatives a bill entitled "An Act for the suppression of intemperance."<sup>35</sup> It was adopted by the House on January 10, 1855, by a vote of thirty-five to thirty-two,<sup>36</sup> and on the following day was sent to the Senate. After receiving several amendments, it passed the Senate by a vote of twenty-three to eight on January 15,<sup>37</sup> and was returned to the House, where the amendments were concurred in and the bill finally passed by a vote of fifty-four to eleven, on January 18.<sup>38</sup> The act was then presented to the Governor and received his approval on January 22, 1855.<sup>39</sup>

The long desired prohibitory law had been enacted and the efforts of the Prohibitionists were crowned with success—as far as action by the legislature was concerned. But the struggle was not ended. The last section of the law contained the provision that the law should be submitted to a vote of the people and if approved by them should go into effect on July 1 of that year.

In its other provisions the law was very similar to the "Maine Law", upon which it was largely modelled. The manufacture or sale of intoxicating liquors as a beverage

<sup>34</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 10.

<sup>35</sup> *Journal of the House of Representatives*, 1854-55, p. 59.

<sup>36</sup> *Journal of the House of Representatives*, 1854-55, p. 229.

<sup>37</sup> *Journal of the Senate*, 1854-55, p. 201.

<sup>38</sup> *Journal of the House of Representatives*, 1854-55, p. 330.

<sup>39</sup> *Laws of Iowa*, 1854-55, p. 70.



was absolutely prohibited with the two exceptions—that home-made cider and wine might be sold in quantities of “not less than five gallons” and that liquor might be imported in the original packages in accordance with the laws of the United States in regard to the matter.

The County Judges in each county were required to appoint “some suitable person or persons, not more than two in number, residents of said county, but not both residents of the same township, to act as agent or agents of such county, for the purchase of intoxicating liquor, and for the sale thereof within such county, for medicinal, mechanical and sacramental purposes only.” These agents were to keep a record of all liquors sold by them and the purposes for which it was purchased. The whole control of the matter was placed in the hands of the County Judges.

A graduated penalty for violation of this law was imposed according to the number of offenses of which the individual had been convicted. Any building in which intoxicating liquors might be manufactured or sold was declared a nuisance and might be abated as the law provided. Section nine provided that if any three persons should bring information before a Justice of the Peace that they had reason to believe that liquor was being kept for illegal purposes at any place within the county, “said Justice shall, (upon finding probable cause for such information), issue his warrant of search, directed to any peace officer in said county, describing, as particularly as may be, the liquor and the place described in said information, and the person named or described in said information as the owner or keeper of said liquor, and commanding the said officer to search thoroughly said place, and to seize the said liquor, with the vessels containing it, and to keep the same securely until final action be had thereon.” Furthermore, the Justice of the Peace was given the authority to

summon any person thus informed against, before himself, to "show cause if any they have, why said liquor, together with the vessels in which it is contained, should not be forfeited."

There were besides many minor provisions, concerned largely with the manner in which trials for violations of the law should be conducted, and with the disposition of civil cases which might arise in connection with the illegal sale of liquor. The law is an unusually long one and seems to have received careful preparation.<sup>40</sup> As an example of a prohibitory law, it was sufficiently stringent to satisfy its most ardent admirers.

#### THE CAMPAIGN FOR PROHIBITION

The period which intervened between January 22, 1855, the date of the approval of the law by Governor Grimes, and the time of the April elections, was a period of great anxiety for the champions of prohibition. Their pet law had passed the General Assembly, but it had yet to be submitted to the vote of the people of the State, and the result was by no means certain.

The provision for submitting the law to the people caused a great deal of discussion, not only in the General Assembly before the final vote had been taken, but by the public at large after the law had passed. Many held that the provision was unconstitutional and that it would invalidate the remainder of the law. Others, however, maintained that while there was no specific provision in the Constitution for such procedure, it was not in violation of that instrument. Still another group claimed that the provision was not unconstitutional, but that it was unnecessary, since section twenty-seven of article four of the Constitution provided for the putting of laws into effect. "Whether

<sup>40</sup> *Laws of Iowa*, 1854-55, pp. 58-70.

the vote in April next be for or against the liquor law", said a writer who held this opinion, "we shall have it in full force at the farthest, whenever the other acts of a public nature, passed at the recent session of the General Assembly, are 'printed, bound and distributed to all the organized counties in the State.'"<sup>41</sup>

These were busy days in the prohibition camp. The all-important consideration was to secure every possible vote, for it was the opinion of the majority that the fate of the law depended on the result of the April elections. On March 1, 1855, delegates from forty counties met in convention at Muscatine "for the purpose of taking into consideration the adoption of some plan to secure the vote of the Prohibitory Law, submitted for their approval or election [rejection] at the next April election."<sup>42</sup> Conventions of a similar nature were held in many counties and plans made for a systematic canvass of the votes. The following resolutions, adopted at one of these county conventions, indicates the thoroughness with which this canvass was made in some localities:—

*Resolved*, That this Convention recommend that each Township by the proper persons so organize that proper persons be appointed in each School District, whose duty it shall be to see that every voter be got to the polls; and to effectually prevent any voting on the part of those not entitled to a vote, and that they, together with the Township Committee, be earnest, and zealous and energetic in laboring in every possible manner *honorably*, to promote the object desired.<sup>43</sup>

On the other hand, the law aroused a storm of opposition and violent criticism. It was charged that it would put a premium on falsehood and perjury in evading its provisions; that its element of compulsion was a violation of the

<sup>41</sup> *The Des Moines Courier* (Ottumwa), Vol. VII, No. 2, February 22, 1855.

<sup>42</sup> *Dubuque Daily Observer*, Vol. I, No. 211, Wednesday, March 14, 1855.

<sup>43</sup> *The Morning Glory* (Keokuk), Vol. I, No. 67, Tuesday, March 20, 1855.

natural rights of citizens; that its provision for search and seizure was unwarrantable and unconstitutional; that it placed too much power in the hands of one man, the County Judge; and that it favored the rich and bore heavily upon the poor.

The liquor dealers and the friends of a license system were as determined to bring about the defeat of the law as were the Prohibitionists to secure its approval. At an "Anti-Iowa Liquor Law meeting" held at the Dubuque brewery on March 19, the law was declared to be "unconstitutional, pernicious to freedom and against human reason." Moreover, those attending announced that they were "determined to use legal means to prevent the enforcement of such a law."<sup>44</sup> During the days and weeks immediately preceding the election many newspapers published addresses, supposedly prepared by the liquor dealers, calling upon the citizens to vote against the prohibitory law. And so the struggle waged on.

#### THE VOTE ON THE PROHIBITORY LAW

When the second day of April, 1855, came, the citizens gathered at the polls to vote, not only for such officers as were to be chosen at that time, but also to ballot either "For the Prohibitory Liquor Law" or "Against the Prohibitory Liquor Law."

The result of the election was a triumph for prohibition; for 25,555 votes were cast in favor of the law, as opposed to 22,645 against it, thus giving a majority of 2,910 for the law.<sup>45</sup> It is interesting to note that of the sixty-six counties which participated in this election, thirty-three declared in favor of the law, thirty-two against it, and in one county the result was a tie. Thus if the result had been determined

<sup>44</sup> *Dubuque Daily Observer*, Vol. I, No. 217, Wednesday, March 21, 1855.

<sup>45</sup> *Iowa Official Register*, 1889, pp. 207, 208.



by the number of counties for or against prohibition, instead of by the total number of votes, the law would have been approved by a very small margin. Lee County cast the largest number of votes in favor of the law, while Dubuque County was in the lead in the opposition.

#### TESTING THE CONSTITUTIONALITY OF THE LAW

The chief point of interest after the approval of the law by the people was whether or not it would be upheld by the courts. As has been suggested, the law had, from the beginning, been attacked on the grounds that it was unconstitutional, and it was with no little anxiety that the friends of the measure awaited a decision of the question. The opportunity came at the December term of the Supreme Court, in connection with certain cases for violation of the law in which appeals had been taken from the county courts. The opinion of the Court, as rendered in the case of *Santo et al. v. The State of Iowa* (2 Iowa 265), was to the effect that the law was constitutional, and so the fears of the Prohibitionists were dispelled. Chief Justice George G. Wright, however, rendered a dissenting opinion, and this fact lends an added interest to the decision.

The point of law upon which Chief Justice Wright disagreed with his associates was in regard to the delegation of legislative power involved in the section of the act which provided for the submission of the statute to a vote of the people. The two Associate Justices, William G. Woodward and Norman W. Isbell, held that even in case the disputed provision was in itself unconstitutional, it did not invalidate the remainder of the law, for the reason that the act was complete without that section. Furthermore, they contended that the provision itself was not unconstitutional. They admitted that the General Assembly "cannot legally submit to the people the proposition whether

an Act should become a law or not''; but contended that in this case there had been "no distinct submission to the people of the question 'whether this act shall or shall not become a law' . . . . It is not provided that if the vote be against it, it shall not become a law, or that it shall not take effect." It was their opinion that the legislature, in inserting this provision, had "designed to ascertain the moral sentiment of the people of the State on the subject of 'prohibition,' in order, first, that if the community should be in favor of that policy the law might have the aid of the power of that public moral sentiment; and, secondly, that, if the public voice should be against the policy, this might be certainly ascertained, and the law repealed."

Chief Justice Wright, in his dissenting opinion, however, took a different view of the matter. He maintained that the section submitting the law to a vote of the people was a vital part of the act; that the section itself was unconstitutional; and that it did therefore invalidate the remainder of the law. He based his argument largely on an interpretation of the purpose of the provision. He did not agree with his associates that the object was merely to ascertain public sentiment, for he insisted that "to say that it was the legislative will that this law was to take effect, and become a rule of action, whatever the result of this election, to my mind would most palpably violate that intention, as gathered from the law itself, and circumstances contemporaneous with its passage. To so hold, would be to say that this section means nothing—is a blank—that the legislature provided for all the trouble, expense and form of an election for no end or purpose. If so, then it was a deliberate fraud upon the people, and one which I do not believe was intended or thought of." And so he contended that since the existence of the law was made to depend upon

the vote of the people, the legislature had "called in the aid of a power not provided for nor contemplated by the constitution to assist in its enactment," and consequently the law was unconstitutional.

#### THE NON-ENFORCEMENT OF THE PROHIBITORY LAW

The prohibitory law went into effect on the first day of July, 1855, and its supporters were confident that in a very short time every vestige of the liquor traffic would be swept from the State. But this optimistic expectation was not to be so easily realized. The great difficulty in this case, as in many other instances of reform legislation, was that those who had clamored most loudly for the passage of a prohibitory law simply folded their hands and paid little heed to its enforcement.

The immediate result was that the liquor dealers generally closed their shops and seemingly acquiesced in the new order of things. But this acquiescence was only temporary. Even in those counties in which the Prohibitionists had polled the largest vote, violations of the law soon became numerous. Moreover, there were few arrests or convictions for such violations. Within a month after the law was put into effect, the following article appeared in a paper published at Muscatine, a town where a strong prohibition sentiment had ever existed:—

Complaints of the violation of the law of Prohibition are as common as of the intense heat of the weather. They are talked about on all the street corners of the city, and cases of direct and flagrant violation freely spoken of. That liquor is kept for sale, and sold, in this city by individuals who are not legally authorized to traffic in the article, is a well known fact; that liquor is brought into this city, in jugs, flasks, and men's stomachs, contrary to law, is known to all; that liquor is sold at our wharf by unauthorized persons, is known by all.<sup>46</sup>

<sup>46</sup> *Daily Journal* (Muscatine), Vol. I, No. 28, Monday, July 30, 1855.

Conservative persons were agreed that the law was not accomplishing the desired result, largely on account of a lack of interest in its enforcement. They urged that the merits or demerits of the law could only be determined by a rigid enforcement. It was a defect of the law that its enforcement was entrusted too largely to the general public. No set of officers was made responsible for the carrying out of its provisions, except as violations of the law were brought to their attention by information filed by a certain number of citizens. The unfortunate state of affairs caused by this lack of adequate provisions for enforcement is revealed in the following account of an incident which occurred in Burlington:—

Upon information that the "American House," in Burlington was selling liquors in violation of the law, the Constables entered the place and found considerable liquors stored in barrels. Being unable to remove the barrels because of their weight, they called for assistance from the crowd gathered about. No one offered to help, except the informers. With considerable difficulty they succeeded in removing the barrels to another building.

When a law is so odious in its features that not one in a hundred of our citizens will aid in its execution, it is certainly time to enquire whether both public and private morality would not be more certainly promoted by the adoption of a different policy.<sup>47</sup>

Thus it is evident that the law for which the Prohibitionists had labored so long and of which they expected so much was in its application not altogether successful. Viewed in the light of history, its failure must be attributed not only to defects in the law itself, but also to a lack of support by its friends. A reaction soon became manifest, and by the winter of 1856 it had assumed sufficient proportions to exert no small influence.

<sup>47</sup> *Daily Iowa State Gazette* (Burlington), Vol. I, No. 190, Thursday, February 7, 1856.



## THE PROHIBITORY LAW AMENDED

The sixth regular session of the General Assembly having convened on December 1, 1856, it was not long before the failure of the prohibitory law was recorded in the passage of "An Act supplementary and amendatory to an act entitled an act for the suppression of intemperance, approved January 22d, 1855."<sup>48</sup> This amendatory act received the Governor's approval on January 28, 1857. It removed many of the minor defects which had been incorporated in the original law. The county grocery was abolished and the sale of intoxicating liquors provided for in the following manner:—

Any citizen of the State and resident of the county in which he may be at the time, except hotel keepers, keepers of saloons, eating houses, grocery keepers, and confectioners, are hereby permitted to buy and sell intoxicating liquors for mechanical, medicinal, culinary and sacramental purposes only: *Provided*, he shall first procure the certificate of twelve citizens of the township in which he resides, that he is of good moral character and a citizen of the county and State, and shall give bond in the penal sum of not less than one thousand dollars, with two good and sufficient securities, to be approved by the county judge, that he will conform to the provisions of this act and the act to which this is amendatory.

These persons, having been authorized to sell liquors for the specified purposes, were required to keep the same account and record of all liquor bought or sold by them as had been required of the county agents. Furthermore, it was made a special duty of all peace officers to see that the law was enforced, the act declaring that "any peace officer failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and pay a fine of not less than ten nor more than fifty dollars, and a conviction shall work a forfeiture of his office." Common carriers were forbidden under severe penalties to import into the State any

<sup>48</sup> *Laws of Iowa*, 1856-57, pp. 231-234.

intoxicating liquors for persons not authorized to sell such liquor. And finally, intoxicating liquor was defined as follows:—

Wherever the words “intoxicating liquors” occur in this act, or the act to which this is amendatory, the same shall be construed to mean all spirituous, malt, and vinous liquors: *Provided*, that nothing in this act shall be so construed as to forbid the manufacture of cider from apples, or wine from grapes, currants or other fruits, grown or gathered by the manufacturer.

#### THE LICENSE LAW OF 1857

During the same session of the General Assembly at which the foregoing amendment was passed, another liquor law of a radically different nature was enacted. The failure of the prohibitory law to bring about the desired result had greatly increased the strength of the friends of a license system, and as a consequence there were numerous petitions praying for the repeal of the prohibitory law and the enactment of a license law. The following petition, circulated widely throughout the State during the winter of 1856 reveals the general character of this new group of petitions:—

*To the Honorable Senate and House of Representatives.* Your petitioners, citizens, residents and voters of Clayton County, Iowa, beg leave to represent to your honorable body that the so-called “Prohibitory Liquor Law,” in their humble opinion, is an unjust and unwise act, odious to a large body of the people, detrimental to agricultural and manufacturing interests of the state, utterly failing in its purposes, and contrary to the spirit of our institutions.

They beg leave, also, to submit, as the result of their experience in the matter, that a judicious License System would not only quiet almost every complaint of both the friends and opponents of the present law, but at the same time yield a handsome revenue to the State.

Your petitioners, therefore, would pray your honorable body to repeal the laws in force on this subject, and enact in their place, a

general license law, with such restrictions, fines and license fees, as may be deemed just and proper.<sup>49</sup>

There were, however, in addition to these petitions for a license law, numerous remonstrances against the repeal of the prohibitory law. As a consequence the legislature assumed a middle ground, and passed "An Act to license and regulate the sale of malt, spirituous and vinous liquors, in the State of Iowa",<sup>50</sup> which was approved January 29, 1857. At first glance this would seem to be a complete surrender to the wishes of the friends of a license measure, but in reality it was a compromise between the two systems of license and prohibition, and at the same time a resort to the principle of local option. The wide difference of opinion on this question, and the factions into which this difference had divided the citizens of the State, evidently convinced the members of the legislature that the wisest plan was to endeavor to please both parties and then leave the matter in the hands of the people.

Generally speaking this law was very similar to the license law of 1849, which has been discussed above. Application for a license must be made to the County Judge instead of to the Board of County Commissioners, and the price of a license was higher as was also the penalty for violation of the law, but otherwise there was very little difference in the general provisions. There were, however, several special provisions which give to the law its unique character. The first of these provisions was contained in section seventeen and reads in part as follows:—

The county judge of any county shall upon the petition of one hundred of the legal voters in said county, order a vote to be taken at any election therein, upon the question of licensing the sale of spirituous or vinous liquors as in this act provided, and if a majori-

<sup>49</sup> Public Archives, Office of the Secretary of State, Des Moines.

<sup>50</sup> *Laws of Iowa*, 1856-57, pp. 379-384.

ty of the legal voters in any county shall vote in favor thereof, then the proper officers shall proceed to issue license for such sale as herein provided. . . . *Provided*, That the question of license under this act shall be submitted to the voters of any county but once in any year.

Another unique feature of the statute was that the prohibitory law was not thereby repealed. Both acts were declared in force. In those counties where the vote was in favor of license, the license law was to have sway, while the counties which declared against license were to be governed by the prohibitory law. Thus local option was applied with regulations to fit either contingency. It is presumed that in case no election was called for, it was intended that the prohibitory law was to continue in force.

In section sixteen of the law it was especially provided that "Nothing contained in this act or an act entitled 'an act for the suppression of intemperance,' approved January 22d, 1855, or any other act heretofore passed, shall be held to prohibit the manufacture of beer, ale, wine or cider."

But the license law of 1857 was not enforced, being declared unconstitutional by the Supreme Court in December, 1857, in the famous case of *Geebrick v. The State of Iowa* (5 Iowa 491). It was held to be null and void, in the first place, because it gave the power of legislation to a body in which that power was not vested by the Constitution. The grounds for this decision as stated in the opinion of the Court were as follows:—

The position seems to us too clear to admit of any doubt, that if the act of January 29, 1857, receives its vitality and force from a vote of the people, such vote is an exercise of legislative power, and the law is unconstitutional and void. . . . It attempts to abrogate the uniform operation, and consequently, the force and validity, of a law general in its nature, and intended to secure the entire prohibition of the sale of intoxicating liquors in the state, and to pro-



vide for licensing the sale thereof, in any county of the state desiring the change, not by virtue of an act of the legislature passed into a law, according to the form of the constitution, but by the vote of a majority of the people of such county expressed at the polls.

We cannot be mistaken in interpreting this act, and the proceedings authorized by it, to be in effect, the repeal of one law, and the enactment of another, by a vote of the people. . . . Whatever may be the result of the vote, and even without such vote, it receives its vital force in this case, from something outside of the will of the legislature.

Another charge brought against the validity of the law was that it violated the sixth section of the Bill of Rights in the Constitution, which declared that "All laws of a general nature shall have a uniform operation." On this point the Court held: —

It is not, in our opinion, a sufficient compliance with the requisition of the constitution, that under the provisions of the act of the 29th of January, 1857, the question of licensing the sale of spirituous liquors, is to be submitted to the vote of the qualified electors of all the counties of the state. . . . We cannot undertake to determine, nor can it, under any circumstances, be foreseen, that the result of the vote will be uniform in all the counties of the state, either in favor of license or against it. . . . Unanimity of sentiment, either one way or the other, can hardly be reckoned upon.

Finally, it was the opinion of the Court that in this case the provision for submitting the act to a vote of the people in the various counties was a vital part of the act; that the law could have no existence without such submission; and that, therefore, the entire act was unconstitutional.

#### THE WINE BEER AND CIDER CLAUSE

The license act having been declared unconstitutional by the Supreme Court, the prohibitory law of 1855, with the amendment of 1857, continued in force. In 1858, as a concession to the large German element in the State, the law

was so amended as to permit "the manufacture and sale of beer, cider from apples or wine from grapes, currants or other fruits grown in this State."<sup>51</sup> It has been observed that in the prohibitory law of 1855 and in the amendment of 1857, the manufacture of homemade wine and cider had been permitted, and that in the license act of 1857, beer was included in this permission. But the latter act was declared null and void, and so the prohibitory law was amended in 1858 as above stated. The prohibitory law of 1855, as amended in 1857 and 1858, was embodied in chapter sixty-four of the *Revision of 1860*.

## CONCLUSION

During the years from 1846 to 1861 five liquor laws were enacted. The most important of these was the prohibitory law of 1855, about which were centered the hopes and efforts of the temperance party; but it failed to accomplish the purposes for which it was enacted because it was not properly enforced.

Prohibition seemed to fall into disfavor; and so great was the dissatisfaction with the prohibitory law that in 1859 the Democratic party declared in its platform that "the Maine liquor law is inconsistent with the spirit of a free people, and unjust and burdensome in its operations; it has vexed and harrassed the citizen, burdened the counties with expense and litigation, and proven wholly useless in the suppression of intemperance."<sup>52</sup>

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

<sup>51</sup> *Laws of Iowa*, 1858, p. 283.

<sup>52</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 53.

## AN EARLY FUGITIVE SLAVE CASE WEST OF THE MISSISSIPPI RIVER

The far reaching tract of land west of the Mississippi River that came to the United States in 1803 through the exigencies of Napoleonic politics and the adaptability of Jeffersonian Democracy, proved to be a territory of marvelous resources and unlimited possibilities. Yet it came to the nation as a legacy of strife—a land of dispute whose transcendent importance in the events preceding the Civil War no student of historic facts and tendencies can overlook. The struggle between the States was not primarily a struggle over the existence of slavery. It was a struggle over the extension of slavery. It was a question territorial, geographic, and dynamic, not institutional and static. It was a phase of the great movement of the American people westward, a question that moved as the frontier moved and whose essence was a competitive struggle for that frontier.

At the opening of the nineteenth century the frontier had reached the Mississippi Valley. In the succeeding half-century it pushed across the virgin prairies of the Purchase; and Louisiana, vast and inviting, became the bone of contention over which opposing factions fought for final mastery.

In the fugitive slave case with which this paper is concerned, matters were complicated by the application to the Louisiana Purchase of a second jurisdiction—namely, the jurisdiction of the Ordinance of 1787 through the inclusion of part of the Purchase in the Territories of Michigan and Wisconsin.

After the admission of the State of Missouri, following

the Act of 1820, the portion of the Louisiana Purchase north and west of the newly formed State was left without local government and without legal settlements, the lands still being occupied by the Indians. This condition existed for a number of years. Indeed, it is doubtful if, even as late as the year 1833, there was in the entire Louisiana Purchase a community legally settled and locally governed where slavery did not exist. In 1833, after the cession of the Black Hawk Purchase to the United States, settlers in great numbers entered the lands north of the State of Missouri and immediately west of the Mississippi River. In the following year, for the purposes of government, the territory comprising the present States of Iowa and Minnesota and the eastern part of what is now the Dakotas was attached to the Territory of Michigan, and the laws of Michigan made of equal application there.<sup>1</sup> Thus the provisions of the Ordinance of 1787, including the sixth article prohibiting slavery, were applied to the northern portion of the Purchase. The same condition existed when, in 1836, the Territory of Wisconsin was organized including the tract of land west of the Mississippi River which had been attached to the Territory of Michigan.<sup>2</sup>

In 1838, Congress provided for the organization of the Territory of Iowa, destined to become, eight years later, "the first free State in the Louisiana Purchase" and "the only free child of the Missouri Compromise."<sup>3</sup> The Supreme Court of this new Territory met for the first time in July, 1839, and the first and only case reported from this

<sup>1</sup> *United States Statutes at Large*, Vol. IV, p. 701.

<sup>2</sup> *United States Statutes at Large*, Vol. V, p. 10.

<sup>3</sup> The first quotation is taken from the title of Rev. William Salter's book dealing with early Iowa history—*Iowa: The First Free State in the Louisiana Purchase*. The second quotation is from the inaugural address of Governor James W. Grimes of Iowa, delivered December 9, 1854.—See Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 14.



session is entitled *In the matter of Ralph (a colored man) on Habeas Corpus*.<sup>4</sup>

The circumstances of the case were these:—In the year 1834 a slave-owner named Montgomery, living in Missouri, entered into a written agreement with a slave, one Ralph, to the effect that upon payment by Ralph of five hundred fifty dollars with interest from January 1, 1835, he was to become free. In order that he might earn this purchase money, Ralph left Missouri and migrated to the settlement of Dubuque on the west bank of the Mississippi, in what is now the State of Iowa. Here he found employment in the lead mines.<sup>5</sup>

Five years passed, but the black miner was unable to save from his meagre earnings enough to make any payments upon the price of his freedom. During this time Dubuque passed successively under the jurisdiction of the Territory of Michigan, the Territory of Wisconsin, and the Territory of Iowa. In 1839, two kidnappers from Virginia appeared in the young mining town, learned the state of affairs as to Ralph, and wrote to Montgomery in Missouri, offering to return the Negro to him for a consideration of one hundred dollars. Their offer was accepted.

<sup>4</sup>The original report of this case is found in a very rare volume entitled *Reports of the Decisions of the Supreme Court of Iowa, from the Organization of the Territory in July, 1838, to December, 1839, inclusive*, by Wm. J. A. Bradford, Reporter to the Supreme Court. It was printed in Galena, Illinois, in 1840. The case is also reported in Morris's *Reports*, Vol. I, published in 1847. The report by Morris is not, however, a reprint of that of Bradford. The decision of the Court is, of course, the same in both reports, but Morris outlines at greater length the brief of the counsel for the claimant, while Bradford gives facts in the statement of the case that are not reported by Morris. It is possible that Morris did not have access to the reports of Bradford for in his preface he makes no reference to any previously published reports, but tenders his thanks to Chief Justice Mason "for reports, corrections, and memorandums, of all cases decided prior to January term 1843". Bradford, in addition to the volume above noted, published reports for the July term of 1840 and the July term of 1841.

<sup>5</sup>Bradford's *Reports* (1838-1839), p. 3.

The act of Congress then in force concerning fugitive slaves was the one enacted in 1793.<sup>6</sup> There was also, in the Missouri Compromise of 1820, a provision for the rendition of fugitives from service, and it was on the grounds of this clause in particular that Montgomery based his claim to Ralph.<sup>7</sup> Moreover, there was at this time (1839) already on the statute books of the Territory of Iowa "An Act to regulate Blacks and Mulattoes", passed in January of the same year by the First Legislative Assembly.<sup>8</sup> It prohibited any black or mulatto from settling or residing in the Territory without a certificate of freedom, and contained also a provision in furtherance of the national legislation for the return of fugitives. It provided that any person claiming a black or mulatto should make satisfactory proof before a Judge of the District Court, or Justice of the Peace, that the person claimed was his property, and, thereupon, the Judge or Justice should, by his precept, order the Sheriff or Constable to arrest the fugitive and deliver him to the claimant.

It appears, therefore, that the kidnappers at once made affidavit before a Justice of the Peace in Dubuque to the fact that Ralph was the property of Montgomery of Missouri, and the Sheriff was ordered by the Justice of the Peace to deliver to them the Negro. Ralph was working at this time on a mineral lot a little west of the town of Dubuque. Here he was seized by the Sheriff and given into the custody of the Virginians who loaded him into a wagon, and, avoiding the town of Dubuque for fear of interference, took their captive to Bellevue, a little town further down the river, intending to convey him thence by steamboat to Missouri. But it chanced that, in a lot near the one in which the seizure was made, a man named Alex. Butterworth was plowing. He, forthwith, proceeded to the resi-

<sup>6</sup> *United States Statutes at Large*, Vol. I, p. 302.

<sup>7</sup> *United States Statutes at Large*, Vol. II, p. 548.

<sup>8</sup> *Laws of the Territory of Iowa*, 1838-1839, p. 65.

dence of Judge Thomas S. Wilson of Dubuque, an Associate Judge of the Supreme Court of the Territory and also Judge of the District Court of the district in which Dubuque was located, and procured a writ of habeas corpus. Acting upon this writ, the Sheriff overtook the kidnappers at Bellevue, and returned them with the Negro to the District Court at Dubuque. At the suggestion of Judge Wilson, the case was, because of its importance, transferred to the Supreme Court of the Territory of Iowa.<sup>9</sup>

In the July term of the Supreme Court, the case was tried. The counsel for Ralph, David Rorer,<sup>10</sup> contended that since the Negro had been a resident of the Territory at the time of the passage and taking effect of the Organic Act of the Territory of Wisconsin, of which Dubuque became a part, therefore by the sixth article of the Ordinance of 1787, thus applied to the Territory, he became free since slavery was thereby forever prohibited; that, independent of this, he became free as soon as he became an inhabitant, by consent of his master, of territory which in the Missouri Compromise was declared free; that he could not be considered as violating the law of the Territory of Iowa against the settling of free blacks without evidence of freedom, for the reason that he was there at the time of the first extension of civil government over the country by the act in 1834 attaching it to the Territory of Michigan; that he could not be taken to his former owner under the laws providing for the

<sup>9</sup> In 1890, over half a century after the trial of this case, Judge Thomas S. Wilson delivered an address before a reunion of the Pioneer Law-Makers Association of Iowa. In the course of his address he gave many facts concerning the arrest of Ralph and the ensuing trial with which he was so intimately concerned. A number of the facts related above are taken from this source. See *Pioneer Law-Makers Association of Iowa* (Reunions of 1886 and 1890), pp. 87, 88.

<sup>10</sup> David Rorer was for many years a prominent attorney of Burlington, Iowa. In 1850 he was again involved in a fugitive slave case, that of *Ruel Daggs v. Elihu Frazier*. In this case, however, he was retained by the slave owner.

rendition of fugitive slaves since it was in evidence that he came to the Territory, not as a fugitive, but by consent of the owner and present claimant; and finally, that the act of his owner in consenting to his removal to territory where slavery was prohibited, was virtually a manumission, and that the very fact of contract with him presupposed a state of freedom.<sup>11</sup>

The counsel for the claimant contended that Ralph, not having complied with the agreement for the payment of the price of his freedom, was to be regarded as being in the Territory without permission, and consequently as having escaped into the Territory and subject to recovery under the fugitive slave clause in the Missouri Compromise.<sup>12</sup>

Montgomery's counsel further insisted that slavery was not prohibited in the Territory, maintaining that the Act of 1820 containing a prohibition of slavery north of 36° 30', was not intended to take effect without further legislative action, but merely meant to direct the local legislatures to pass laws within the prescribed limits, and that the Act of Congress, moreover, contained no sanction and, therefore, had no binding effect.<sup>13</sup>

Furthermore, it was urged that even if the Act were intended to operate without further legislation, it did not work a forfeiture of slave property, and in this case would go no further than to require the claimant to remove his property out of the Territory.<sup>14</sup>

The decision was given by Charles Mason, Chief Justice of the Supreme Court. It covers about two pages of the *Reports* and consists largely of a discussion of the two main contentions of the counsel for Montgomery.<sup>15</sup> Mason held

<sup>11</sup> Bradford's *Reports* (1838-1839), pp. 3, 4.

<sup>12</sup> 1 Morris 4, 5.

<sup>13</sup> Bradford's *Reports* (1838-1839), p. 5; 1 Morris 4.

<sup>14</sup> 1 Morris 4.

<sup>15</sup> Bradford's *Reports* (1838-1839), p. 5.



that, inasmuch as the Negro had come to the Territory with the free consent of his master, he could not be regarded as a fugitive; and that his failure to pay could not render his removal by consent an escape. He recognized the obligation of Ralph for the debt, saying: "It is a debt which he ought to pay, but for the non-payment of which no man in this Territory can be reduced to slavery."

The holding of Chief Justice Mason is particularly interesting in answer to the claim that the prohibition of slavery by the Missouri Compromise was simply a naked declaration requiring further legislation to put it into effect. In part he said: "This position, we think, cannot be maintained. Congress possesses the supreme power of legislation in relation to the Territories, and its right to prohibit slavery—at least in relation to slaves subsequently introduced—is doubtless legitimate. Has that right been exercised in relation to this Territory? The language of the Act of 1820, in relation to the district of country in which this Territory is embraced, is, that slavery therein 'shall be, and is hereby, for ever prohibited.'—This seems to us an entire and final prohibition, not looking to future legislative action to render it effectual."

Finally he answered the contention of the claimant that the Act of 1820 did not declare a forfeiture of slave property, by holding that the Act declared that slave property should not thereafter exist, and that the master who, subsequent to the passage of that Act, permitted his slave to become a resident there, could not afterwards exercise any ownership over him within the Territory. Ralph was therefore discharged from custody and given his freedom.

There are several points in connection with the decision of Justice Mason that invite comment. In the first place he asserted that the case did not come before the Court in any of the ordinary methods of application to an appellate

court, and hence it was perhaps not strictly regular for the Court to entertain jurisdiction. However, the Court heard the case and handed down the decision because of the importance of the question and its liability of becoming before long, if unsettled, an exciting issue. One is reminded here of the course pursued by Chief Justice Taney of the United States Supreme Court in giving, for the quieting of public discussion, a decision upon the Dred Scott case immediately after declaring the lack of jurisdiction.

It is noticeable that the decision of Chief Justice Mason took no account of the influence of the application of the sixth article of the Ordinance of 1787 to the case through the Territories of Michigan and Wisconsin, evidently considering that the other arguments advanced were of such conclusiveness as to obviate the necessity of any further grounds for judgment.

The distinct avowal, in this Court, of the power of Congress to legislate fully concerning the Territories, even to the prohibition of slave property, is worthy of note. Finally we have in the argument of the counsel for Montgomery an early promulgation of the doctrine that the slavery prohibition of the Compromise of 1820 was simply a declaration directing further legislative action and ineffectual without such action; whereas we find in the decision of the Court an emphatic denial of the doctrine by a tribunal which would be most vitally interested in such an interpretation.

Such was the outcome of this early western fugitive slave case. The Negro Ralph went back to the mines of Dubuque a free man. Of his later career, Judge Thomas S. Wilson, before whom the case was first brought, tells us two facts: first, that he struck a rich vein of ore, and second that he died a victim of the small-pox.

JOHN C. PARISH

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## THE COLOR BEARER OF THE TWELFTH IOWA VOLUNTEER INFANTRY

Sergeant Henry J. Grannis, of the Twelfth Iowa Volunteer Infantry, who died at Fayette, Iowa, October 13, 1907, at the age of sixty-six years, had an unmatched career as a color bearer in the Civil War. He was born in Indiana, July 18, 1841, the youngest but one in a family of seven children. He came to Fayette County, Iowa, with his parents in 1860, and entered Upper Iowa University at Fayette in the fall of the same year, or in the spring following. In the spring of 1861 the young men of the school, fired by the prospects of war, organized a company for drilling, pledging themselves to respond in case the President should make another call for volunteers. William W. Warner, a senior student, was chosen Captain; and David B. Henderson, late Speaker of the House of Representatives, was chosen First Lieutenant. Henry J. Grannis was a member of this company, which was known as the "University Recruits".

During the summer vacation several of the boys belonging to this company enlisted, but most of them returned at the opening of the fall term, when drilling was resumed, but for a short time only. A meeting of students was called in the little chapel, on the afternoon of September 15, 1861, as a result of which twenty-three students enrolled for service. One of the number withdrew his name later; two enlisted in other organizations; and one was rejected at muster-in. The nineteen pledged men dispersed to their several homes, promising to report in person one week later, with "recruits". Thirteen days after the enrollment in the little chapel, the company, 101 strong, was accepted

by the Governor of the State; and it became Company C of the Twelfth Iowa.<sup>1</sup>

In the meantime the "girls" of the University, led by the preceptress, Miss E. A. Sorin, determined to show their patriotism and their interest in the volunteers by the presentation of a flag made with their own hands. Material was purchased and the flag was made according to "regulations",<sup>2</sup> and there was embroidered upon its folds the legend: "University Recruits 101". In return for this expression of interest and patriotism, the "girls" were invited to fill, by election, the one vacancy still left in the list of sergeants, and the person so chosen was to be the color bearer of the company. Accordingly, the preceptress called a meeting of the "girls" in the reception room of the Ladies' Hall. All that occurred in that room was never divulged; but it is known that two names at least were up for the suffrages, and that the choice fell to Henry J. Grannis.<sup>3</sup>

The flag was duly presented by the preceptress in a patriotic and inspiring speech, closing with these words: "Take our flag, and as it floats over you, sometimes give a thought to those by whom it has been presented. Proudly, confidently, we commit it to your keeping. . . . As you have been proud to live under it, if death be your lot, may you die under its folds, and may God protect and prosper you as you defend your colors."<sup>4</sup>

As already stated, the "University Recruits" became Company C of the Twelfth Iowa Infantry, and Grannis became the regimental color bearer—and there is little to hazard in claiming for him an unmatched career in that

<sup>1</sup> Reed's "*University Recruits*" *Company C, 12th Iowa Infantry*, pp. 1, 2.

<sup>2</sup> Reed's "*University Recruits*" *Company C, 12th Iowa Infantry*, p. 2.

<sup>3</sup> Reed's "*University Recruits*" *Company C, 12th Iowa Infantry*, pp. 8, 9.

<sup>4</sup> Reed's "*University Recruits*" *Company C, 12th Iowa Infantry*, p. 4.



responsible and most dangerous position, in either army, during the Civil War. Told in few words and without embellishment it may be thus stated:—From muster-in to muster-out, November 25, 1861, to January 20, 1865,<sup>5</sup> Grannis was not only Color Sergeant *in rank*, but he was color bearer *in fact* in every battle and skirmish in which the regiment was, as such, engaged. In "*University Recruits*" *Company C*, by Captain D. W. Reed, page 27, we read that he "carried the flag on every march, in every campaign, and during every battle in which the regiment was engaged, from enlistment to muster-out. . . . In several engagements, the colors were riddled in his hands. On one occasion, every guard was killed or wounded; yet strange to say, Grannis never received a scratch, nor suffered the flag to go from his hands. That it was always at the front and carried with the greatest gallantry, every official report from the regiment testifies."

The same writer, who was in close touch with the colors throughout the War, in a private letter of recent date, further says that "in all marches, skirmishes, and bivouacs, Grannis was ever and always at his post with the flag. On the march he kept his place and the flag was in his hands. In bivouac, he never allowed himself to go foraging or on pleasure excursions—his pleasure and duty was to be ready to carry or care for the flag on every occasion. He was often heard to say: 'I did not know whether we were marching North, East, South, or West. I only cared to obey orders and keep my place.' "

The Twelfth Iowa was in its first line of battle at Fort Henry on February 6, 1862, but there was no land engagement. A few days later it was at Fort Donelson where Grannis's flag was the first *inside* the enemies' works.

<sup>5</sup> Reed's *Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, p. 258.

though the Second Iowa had the honor of being first *on* the works.<sup>6</sup> At Shiloh, on April 6, 1862, Sergeant Grannis kept the colors flying from about nine o'clock in the morning until six o'clock in the evening, in the midst of that inferno, aptly named by the enemy "The Hornet's Nest"—and there was no hotter "nest" on any field at any time during the War than was "The Hornet's Nest" from about four o'clock until nearly six o'clock, when two-thirds of the artillery of the enemy was trained upon that spot, and two-thirds of the Confederate army was slowly coiling itself about that devoted band of scarcely two thousand men.

At the battle of Nashville, on December 15 and 16, 1864, the Twelfth Iowa took a leading and conspicuous part. The third brigade of McArthur's division led the movement on the 15th; and when the line was within charging distance of one of the forts, the order was for the colors of the Twelfth Iowa to lead straight to the center of the fort and for other regiments to "guide" on the colors of the Twelfth. Lieutenant Colonel Stibbs, commanding the Twelfth, instructed his adjutant to conduct the colors, and to see that they were carried *into* the fort.<sup>7</sup> On reaching the redoubt a deep ditch was encountered, across which most of the men were able to leap. The adjutant sprang across, but the color bearer was not able to make the distance; and so he jumped into the ditch, and was climbing up the other side when the adjutant turned to assist him by taking the flag. The color bearer showed signs of objection to parting with the flag, and so the adjutant reached down and grasped Grannis's free hand and helped him out of the ditch. Grannis sprang to the top of the redoubt and lifted the flag as high above his head as possible—just in

<sup>6</sup> Reed's *Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, p. 20.

<sup>7</sup> Reed's *Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, p. 197.

time to catch in its folds a charge of grape shot from a second redoubt. The commander of the brigade, Colonel Hill, was killed by this charge of grape. The second redoubt was taken within a few minutes, the colors of the Twelfth Iowa still leading the movement.

An incident of the second day's fight is best related by the acting adjutant of the regiment, D. W. Reed, who, in a recent private letter (Nov. 7, 1907) says: "On the second day, at Nashville, the regiment charged across an open field, upon the enemy intrenched behind a stone wall. When about half way across the field, a rebel shell exploded exactly in the folds of the flag, tearing it to shreds. The colors, color bearer, and color guard were so enveloped in smoke, that it appeared that all were down; but without a moment's halt, the battered flag came out of the smoke, and Grannis, still unhurt, carried it forward with a rush, over the wall and up the high hill, in pursuit of the fleeing enemy, until he, and the little squad of Twelfth Iowa men were far in advance of the rest of the line, and until the halt and recall was sounded."

It is worth relating in this connection that, at the battle of Nashville, the Twelfth Iowa had but five commissioned officers, including the Quartermaster. There was not a commissioned company officer in command; every company was commanded by a non-commissioned officer.<sup>8</sup>

Sergeant Grannis surely possessed a charmed life, if there be any such. For more than one hundred days he was under fire, the one particularly "shining mark" for the missiles of the enemy, yet passing through all, unscathed!

The following is a list of battles in which Sergeant Grannis carried the colors, as given in *Campaigns and Battles*

<sup>8</sup> Reed's *Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, p. 195.

*of the Twelfth Regiment Iowa Veteran Volunteer Infantry* by Major David W. Reed:—

Fort Henry, February 6, 1862.

Fort Donelson, February 13, 14, 15, 1862.

Shiloh, April 6, 1862.

Raymond, Mississippi, May 12, 1863.

Jackson, Mississippi, May 14, 1863.

Vicksburg, Mississippi, Assaults and Siege, May 18–July 4, 1863.

Jackson, Mississippi, July 10 to 16, 1863.

Brandon, Mississippi, July 19, 1863.

Brownsville, Mississippi, October 16–17, 1863.

White River, Arkansas, June 24, 1864.

Coonewar, Mississippi, July 13, 1864.

Tupelo, Mississippi, July 14–15, 1864.

Nashville, Tennessee, December 15, 1864.

Brentwood Hills, Tennessee, December 16, 1864.

Spanish Fort, Alabama, March 27 to April 9, 1864.

Twelve skirmishes at different dates.<sup>9</sup>

The flag presented by the “girls” of Upper Iowa University was captured with the regiment at Shiloh, on April 6, 1862, and the men were prisoners of war until exchanged on November 19, 1862. The regiment was reunited and reorganized in the spring of 1863. Another flag, a duplicate of the one carried at Donelson and Shiloh, was prepared and presented by the same hands that made and presented the first one; and this was carried to the close of the War.

Sergeant Henry J. Grannis was modest, unobtrusive, never pushing himself into notice, except when duty called him to lead with the colors of his regiment, and then he was the personification of cool, deliberate courage that knew no fear, flinched in the presence of no danger, having ear

<sup>9</sup> Reed's *Campaigns and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, p [2].



for no sound but that of the command of his superior officer. Even promotion to the rank of Lieutenant could not tempt him from the colors. He declined the honor by failing to "muster" under the commission tendered him. Sergeant Grannis was a model soldier, "beloved by all the regiment—he honored his comrades and himself by his gallant service and faithful discharge of duty."

J. W. RICH

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## SOME PUBLICATIONS

*Samuel Freeman Miller.* By CHARLES NOBLE GREGORY. (*Iowa Biographical Series*). Iowa City: The State Historical Society of Iowa. 1907. Pp. xv, 217. Portraits, plate.

The second volume of the *Iowa Biographical Series*, edited by Professor Benjamin F. Shambaugh, commands attention both because of the prominence of the subject and the excellency of the work. Mr. Justice Miller was a large figure in the life of the nation during his long official career, and Dean Gregory has written his biography with sympathy and discernment. It is not voluminous, but it is distinct and clear. Both the editor's introduction and the author's preface are apologetic regarding its brevity. But brevity is not a fault in this busy age, and the lack of gossip and garrulous reminiscence is entirely compensated by full appreciation and just characterization.

Samuel Freeman Miller was a unique and strong character. With hardly a high school education, without any professional training, and with but a few years of practice at the bar, he was elevated to the position of Associate Justice of the Supreme Court of the United States. There, among men of generous learning, with complete professional training, with long years of experience, he took at once an assured place. Indeed, it is not too much to say that for nearly a quarter of a century his was the dominant influence in that great Court.

Dean Gregory tells us that Justice Miller was born in Kentucky, a poor boy, the son of a small farmer. When fourteen he left home and school to clerk in a country drug-store. When twenty he went to a medical school, graduating in 1838. For more than ten years he practiced as a country doctor. Becoming interested in a debating society, he was drawn to the study of the law. He was admitted to the bar, and in 1850 moved from Kentucky to Keokuk, Iowa, and began there his career as a practicing lawyer. For twelve years

he carried on a frontier practice, until he was appointed an Associate Justice of the Supreme Court of the United States by President Lincoln. His appointment was not secured by reason of his own prominence. Iowa was then represented in Washington by Senators Grimes and Harlan, while Mr. Wilson, afterward Senator, was prominent in the House. Through their influence Judge Miller's candidacy was endorsed by all but four of the Senators, and three-fourths of the House; an indorsement which President Lincoln said had never been given any candidate for any office.

For twenty-eight years he served as Associate Justice. Hon. Joseph H. Choate said at the time of his death: "He took his place upon the bench at the time when one half of the country was excluded from any participation in its affairs, and he sat there during the whole period that has followed, until at last it would appear that by his aid almost every question of irritation and division that could possibly arise between different sections and interests of the American people had been finally set at rest."

Dean Gregory sketches briefly Justice Miller's early years in Kentucky, showing clearly his humble origin and limited opportunities. Certainly there is encouragement in Justice Miller's life for the aspiring. Without fortune or influential friends in his earlier years, he won a place among the highest in the nation by his own indomitable courage and energy. "It is never too late to mend." The adage has a notable exemplification, when it is remembered that he was nearly thirty years old when he abandoned medicine and took up the study of the law.

A second chapter tells of his appointment to the supreme bench. It is a most interesting incident throwing light upon political conditions at a period of surpassing importance in the history of the nation.

Justice Miller's service on the supreme bench is then reviewed, with particular reference to notable cases. His great grasp of constitutional law led to his preparing more opinions on that subject than any other Justice during his service. He, himself, told Hon. John A. Kasson "that he had given during his term on the bench, more opinions construing the Constitution, than all which had previously been announced by the court during its entire existence."

Justice Miller's miscellaneous writings and addresses are reviewed with discriminating comment, and in his characterization Dean Gregory quotes from many who have from personal recollection put on record their judgments of the life and work of the great jurist.

The book contains some judiciously selected miscellaneous addresses of Justice Miller: "The Formation of the Constitution", delivered on the occasion of the celebration of the one hundredth anniversary of the promulgation of the Constitution of the United States at Philadelphia, September 17, 1887; "The Use and Value of Authorities", delivered as an introductory address before the Law Department of the University of Pennsylvania, October 1, 1888; "Socialism and Society", delivered at the Commencement of the State University of Iowa, June 19, 1888. It also contains a calendar of his opinions from 1862 to 1890—in all seven hundred eighty-three in number. It is interesting to note that during the first five years of his service he delivered fifty-one opinions. During the last five years he delivered one hundred forty-three, without counting dissenting opinions. Although there is great difference in the quantity, there is little observable in the quality of these opinions. They are all strong and clear, vigorous both in thought and expression. Justice Miller had no rhetorical graces, he indulged in no verbal flourishes; but he was a born logician, and many of his opinions, especially the shorter ones, are models of close analytic reasoning.

The volume is beautifully printed and bound. It is a delight to have and to handle such a book. It contains three excellent portraits of Justice Miller and a cut showing his home in Washington on Massachusetts avenue.

Dean Gregory has rendered the profession a real service in this work. His biographical sketch of the great Justice should find a place in the library of every lawyer who is interested in the life-work and personal characteristics of our great jurists. It is brief, but it is entirely just and adequate.

The editor in placing this series of biographies on a dignified plane is rendering a great service to the State in a manner worthy of unqualified commendation. Under the auspices of The State



Historical Society, and under Professor Shambaugh's most excellent direction, it may fairly be expected that much of that which is most notable and valuable in Iowa's history may be preserved and made accessible.

H. M. TOWNER

THIRD JUDICIAL DISTRICT  
CORNING, IOWA

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*The Lyon Campaign in Missouri. Being a History of the First Iowa Infantry.* By E. F. WARE. Topeka, Kansas: Published by the Author. 1907. Pp. xi, 377. Portraits, maps.

This is a book of personal recollections, being neither a campaign nor a regimental history, as its title might perhaps lead one to expect. There are seventy pages descriptive of Iowa society and politics during the decade immediately preceding the Civil War, and two hundred seventy pages devoted to the narrative of military service. The appendix contains a brief extract from the official records and a roster of the author's regiment.

The author was born in 1841 at Hartford, Connecticut, whence his parents shortly afterward removed to Iowa Territory, settling at Burlington. There young Ware grew up, and he has many an interesting reminiscence of the river trade, the wild-cat currency, and the drinking, gambling, and fighting so characteristic of pioneer times. While still a lad he enrolled as a private in the "Burlington Zouaves" which subsequently became Company E of the First Iowa Volunteer Infantry.

This was a three months regiment, raised in response to President Lincoln's first call for troops and mustered into the service of the United States at Keokuk, May 14, 1861. From Keokuk the regiment was sent by boat to Hannibal, Missouri, and thence overland to Booneville, where it united with Lyon's command. The "Iowa greyhounds", as they came to be called because of superior marching qualities, bore an honorable part in the celebrated Lyon campaign in southwest Missouri, participating in the battles of Forsyth, Dug Springs, McCulla's Store, and Wilson's Creek and earning the thanks of Congress for gallantry. They were finally

mustered out August 20, at St. Louis, four months after their acceptance by the State. A majority of the men subsequently re-enlisted, and many of them became officers. The author was one of those who served throughout the War, attaining the rank of aide-de-camp on the staff of Major-General Elliot. After the War he was for some years Commissioner of Pensions, and is now living at Topeka, Kansas, in hale and hearty old age.

Mr. Ware relates only what he personally witnessed, basing his narrative in part upon a diary kept at the time. He maintains the view point of a private soldier throughout, habitually referring to the Confederates as "Secesh", and freely criticising the regimental and higher officers. It appears that General Lyon, whose untimely death made him a national hero, was generally disliked, though implicitly trusted, by the men under his command. Sigel is condemned for incompetence at the battle of Wilson's Creek (p. 336). Fremont is called "weak and vain," with a touch of the "damphool" (p. 248). This frankness on the author's part is one of his most valuable characteristics.

The story of the marching and fighting is very simply told, with no attempt at ornamentation of any kind, but its intrinsic interest gives permanent worth to the book. The reviewer, for one, would be glad to read a similar narrative of the author's personal experiences throughout the War.

E. H. DOWNEY

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*A History of Iowa Baptist Schools.* By ALONZO ABERNETHY.

Osage, Iowa: Published by the Author. 1907. Pp. 340. Portraits, plates.

An interesting and profitable phase of Iowa educational history has been covered by the author in this account of the establishment and growth of the schools of the Baptist denomination in Iowa.

The opening chapter is devoted in an introductory way to a brief account of pioneer Iowa, dealing with the history of the Iowa country from the date of the Louisiana Purchase to the establish-

ment of State government in 1846. The second chapter is entitled "Pioneer Baptists"; while the third chapter seems intended to give in a connected way an outline of the remaining chapters which are concerned with the history of the various schools and the movements towards unification.

Burlington Collegiate Institute was the first Baptist school established in Iowa. Its doors were opened to students January 4, 1854, the sessions for the remainder of the school year being held in the basements of the Baptist and Congregational churches in Burlington. The new college building was dedicated on July 4, 1854, and was occupied that fall. The institution continued its existence, with varying fortune, until October, 1901, when, on account of lack of funds, it was closed and the property sold to pay debts.

Simultaneously with the organization of the school at Burlington, a movement was on foot in what was then the western part of the State for the establishment of a second institution of learning. The result of this movement was the opening of Central University at Pella, in Marion County, on October 8, 1854. Beginning under the most adverse conditions in a sparsely settled region, this college has perhaps had the most substantial growth of any of the institutions of its denomination in the State.

The movement for the organization of a school at Des Moines began in 1863. A building which the Lutheran denomination had begun, but had been unable to complete, was purchased and finished and here Des Moines College opened its doors in April, 1866, after having, since November 27, 1865, held its sessions in the Baptist church. In 1884 the old campus was abandoned, the building was taken down and re-erected on the present campus on West Ninth Street. Since that time the college has been reasonably successful and the author predicts for it a prosperous future.

Following these accounts of the history of the three leading Baptist colleges are four chapters dealing with the many efforts toward the unification of Baptist educational interests in the State. There has, for many years, been a feeling that more would be accomplished if, instead of attempting to do high grade collegiate work in a number of poorly supported institutions, there should be a consolidation of those efforts in one single college, to which all

others should be subordinate and preparatory. As yet, however, these efforts have been unsuccessful.

Cedar Valley Seminary, at Osage, and Sac City Institute are the other Iowa Schools which are supported by the Baptist denomination. The former was established in 1862, and is the institution with which the author is most familiar, he having been at its head for twenty-one years, from 1881 to 1902. Sac City Institute began in 1891 as a private school but was later turned over to the Baptists and formally opened September 30, 1894.

The author, Colonel Alonzo Abernethy, is well known in the State. He came to Iowa in 1854, and hence, as is stated in the preface, "a large part of what is written is from personal knowledge." His keen interest in educational matters is attested by his long service to the Cedar Valley Seminary, his active part in the building of Des Moines College, and the fact that he is at present a member of the Board of Regents of The State University of Iowa. When the Iowa Baptist Educational Society, at its annual meeting in 1905, selected Colonel Abernethy to write the history of Iowa Baptist schools, it chose wisely. The work has been done thoroughly and well.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Encyclopedia of Mississippi History. Comprising Sketches of Counties, Towns, Events, Institutions and Persons.* Edited by Dunbar Rowland. Madison, Wisconsin: Selwyn A. Brant. 1907. 2 Vols. Pp. xvi, 1010, 1024. Portrait, plates.

The importance of reference works on local history has been sadly underestimated in the past. National cyclopedias of biography, bibliographies, gazetteers, and histories for ready reference are plentiful; but the searcher for the facts and tendencies of State and local history generally finds his way unmarked by guide-posts. It is a way that must be won by laborious and time-consuming effort. If, perchance, he happens upon a well-beaten trail, only too often it proves to be the error-strewn and misleading path of least



resistance, marked originally by a predecessor possessed of more enthusiasm than discrimination and worn smooth by the unthinking fidelity of those who can less easily lead than follow.

That the conscientious student will gather the truth from the obscurity and confusion in spite of difficulties, is not to be doubted; for the pleasure of studying the beginnings of institutions, of watching the early plodding progress of a statesman in the making, of observing the first local expressions of those forces which become national in import, in short the joy of studying the details of the prolific background out of which national life takes its being, breeds a persistence which assures ultimate success.

But the investigator, and the general reader as well, needs guides. He needs accurate reference books and bibliographies. His time is valuable, and the arrival at truth is hastened every time a period of groping is made unnecessary. Mr. Rowland, in his *Encyclopedia*, aims to supply this need in the State of Mississippi. The editor has evidently planned his work for popular reference use. It is readable, and the scope of the work seems to be adequately compassed. Biographical sketches are given, fair discussions of events and movements connected with the history of the State of Mississippi, and a good presentation of the facts concerning its counties and towns. A system of cross references adds value to the work.

Following his introduction, the editor gives briefly some selected sources of Mississippi history. This list of sources is especially interesting in that it includes a summary of the most valuable material located in the archives of Europe by Mr. Rowland in the summer of 1906, although it is not understood that these latter documents were used in the compilation of the *Encyclopedia*. It may be suggested that specific references at the end of at least some of the more important topics would have been appreciated. Aside from the frontispiece, there are no portraits and few illustrations. This is not a serious defect; but it does seem that at least a map of the State of Mississippi should have been included. Geography has so intimate a relation with history that in an encyclopedic reference work of this kind a general map is almost indispensable.

As a whole it is a meritorious piece of work both in plan and execution and is a contribution not only to the State of Mississippi

but to the entire Middle West. It is the pioneer in a much needed line of publication; and historical interests would be greatly advanced if other States would follow the same idea.

JOHN C. PARISH

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Michigan Historical Collections.* Vol. XXXV. Lansing: Michigan Pioneer and Historical Society. 1907. Pp. xv, 792. Portraits, plates, maps.

Thirty-six papers, more than that number of maps and illustrations, discussions, obituary records of members of the Society, the President's address and the reports of the Secretary are the products of the meetings of this Society in 1905 and 1906. Professional men and pioneers, editors and educators, bench and bar contribute to this miscellaneous collection of reminiscences and history of the pioneer record of the State of Michigan.

Random selections show articles on "Legal Reminiscences of Forty Years", "The Early Fur Trade in North America", "Iron Money in the Upper Peninsula", "The First Judicial History of Michigan", "Early days in Pontiac", "Michigan Men in Congress", "Reminiscences of Detroit", "Detroit in 1827 and later on", and numerous papers on Gov. Stevens T. Mason and his ancestors and descendants.

Romance and history intermingle in the papers on "Grosse Ile", the largest of a group of islands at the mouth of the Detroit River. Claimed successively by the Indians, the French, the English, it was deeded in 1776 to William and Alexander Macomb by the Pottawattamie Indians. The text of the patent is printed and is signed with the totems of eighteen chiefs. Among the totems were bears, a wild-cat, a possum, fish, and an American eagle. To the left of each totem the eldest son of the chief made his thumb mark. During the War of 1812 the Indians invaded the Island and burned the house of William Macomb, Jr., to the ground while he was away serving in the American army.

Stevens Thomson Mason, governor of Michigan Territory in

1831, is the subject of an appreciation. " 'Tom' Mason, as he was familiarly called, never arrogated to himself the possession of superior abilities. . . . Although fate took him to a distant State, his continuing affection and last thought was the land of his heart beside the great lakes of the north, and the great State of Michigan has done well to place his ashes where they will mingle with the soil of her metropolis, amid the familiar scenes of his fondest hopes and aspirations." Emily V. Mason, an octogenarian sister of Governor Mason, in her autobiography gives a brief account of the Toledo War, the boundary difficulty between Ohio and the Territory of Michigan in 1835. Robert Lucas, later Governor of the Territory of Iowa, was then the Governor of Ohio. Iowans will therefore appreciate the following war song of the time which Miss Mason quotes:—

Old Lucas gave his order *all* for to hold a court,  
But Stevens Thomson Mason he thought he'd have some sport;  
He called upon the Wolverines and asked them for to go,  
To meet the rebel Lucas, his court to overthrow.

Several letters from General Anthony Wayne's order book are edited, supplementing those published in the previous volume of *Collections*. These letters appear to be well edited and were written in the years 1796-1798, at Detroit, Fort Washington, Fort Wayne, and Pittsburg. The purchase of supplies, the transportation of troops, Indian affairs and the details of garrison duty constitute some of the features of the contents of these letters.

From the excellent index of sixty-five pages one finds over fifty distinct references to Governor Lewis Cass; seven to Henry Clay; fourteen to General W. H. Harrison; twenty to "Old Hickory"; sixteen to Abraham Lincoln; fifteen to Chief Tecumseh; and numerous references to "Mad Anthony" and Washington. These facts tend to demonstrate that these historical contributions transcend State boundaries in their scope and importance and that the States furnish the raw material and the fibers from which is woven our national history.

Among the illustrations is the frontispiece which is taken from the Detroit Art Museum. This picture shows the first State election in Detroit with the youthful "Tom" Mason in the foreground.

There is a picture of Grand Rapids in 1831; the River Raisin Martyrs Monument is shown; and there are numerous cuts of early pioneers. Sections of the John Mitchell map of 1755 show the location of St. Joseph, which was an old fort that floated a Spanish flag in 1751.

Some chaff has been scattered in the volume; but after overlooking what is crude and imperfect and forgetting what is trivial or merely interesting one can still find an abundance of historical truths that ring with pride and patriotism. The "Committee of Historians" have labored faithfully and well and their harvest is not unworthy of their toil.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*The English Settlement in the Illinois.* Edited by EDWIN ERLE SPARKS. Cedar Rapids, Iowa: The Torch Press. 1907. Pp. xiv, 39, iv, 36, xi, 80. Plate, map.

The volume before us contains a reprint, verbatim et literatim, of three pamphlets first published in London, England, between the years 1819 and 1822. Each pamphlet comprises from two to five letters written, with one exception, in Illinois and sent to London for publication. The whole series is prefaced by a helpful introduction by the editor, while each pamphlet has its own index and separate notes.

The history of the letters as here reprinted is somewhat as follows:—At the close of the Napoleonic wars many emigrants left England to avoid the excessive taxation of the period or to escape from the authority of the Established Church. The public lands of America were an especial attraction to them. Several persons banding together would start a colony in America. Having purchased more land than they needed in order to control affairs, they immediately wrote home to relatives and neighbors in an effort to secure recruits. English settlements were established in this way on the Susquehanna River in Pennsylvania, on Long Island in New



York, in southern Indiana and Illinois, and elsewhere. The rivalries which soon sprang up between these settlements found expression in the letters written to England. These communications, therefore, often contained a curious mixture of fulsome praise for one colony and of extreme denunciation for others. The letters in the volume before us are of this character. They were written from southeastern Illinois where two Englishmen named Morris Birkbeck and George Flower had planted a colony. The locality was long called "the English Prairie." Two towns, Albion and Wainborough, soon arose. The former is now a town of 1100 inhabitants in Edwards County, Illinois; the latter has ceased to exist.

The first letters from this locality to England were written by Morris Birkbeck. As soon as they were published in England they brought forth a reply from one Wm. Corbett, himself an English emigrant interested in a colony on Long Island. Corbett had "written down" the western prairies in vigorous language. Birkbeck's third letter, which completes the first pamphlet, is an answer, paragraph by paragraph, to one of Corbett's letters.

Richard Flower, the father of George Flower, came over in 1819. He stopped a few months in Lexington, Kentucky, while a house was being erected on "the English Prairie" by his son. While waiting here he took up his pen in behalf of America and is liberal in his praise. He declares he is not "disgusted with American character and habits as many have been". On the contrary, he finds that "the general character of the Americans is sober, industrious, and hospitable." The country in general he describes at the expense of England thus: "Here are no public buildings worthy of notice. No kings going to open Parliament with gilded coaches and cream-coloured horses, with a train of dragoons at their heels. No Lord Mayor's show. No Towers filled with royal tigers and lions. No old castles. . . . whose melancholy history informs the curious traveller, that their foundation was bedded in tyranny."

Mr. Flower was pleased with Lexington. He says: "With respect to this place, I have, in former letters, stated it to be a phenomenon in the history of the world; twenty-five years since, it was trodden only by the foot of the savage; now it contains about

three thousand inhabitants. A college at which are already one hundred and forty students; its professors, chosen purely for their talents, without any requirement of unanimity of religious opinions, as in the colleges with you" etc. Though praising "the American notion of liberty and equality" he roundly denounces slavery.

From Illinois, two months later, Mr. Flower writes another letter; this time "in refutation to the misrepresentations of Mr. Corbett". These two letters comprise the second pamphlet.

The third pamphlet is the largest. It contains four letters by Richard Flower and one by Birkbeck together with a preface and notes by Benjamin Flower, a brother of Richard, who edited the pamphlet in England.

The general tone of the letters is one of defense and praise for the Illinois country. Where critics had found an unhealthy region, no water, "no mutton fit to eat", danger of starvation, no comforts, no servants, no society, no booksellers, no religion, but heretical dissension and a loose marriage ceremony, the author of these letters finds almost perfect health, a land of inexhaustible fertility, an abundance of game, plenty of water "by digging deep," all the necessities of life, high wages to attract laborers, an excellent society, several good libraries, the "outward forms of religion", a regular performance of the marriage ceremony, and a high order of intelligence. Mr. Flower illustrates the last point as follows: "I went into my field the other day and began a conversation with my ploughman. . . . I found him a colonel of militia, and a member of the legislature; he was indeed a fit companion for men of sense."

Professor Sparks has done well to reprint these letters, for they have more than a local value. It is with regret that one finds the serviceableness of the volume marred by the fact that there is no adequate table of contents, no general index, and no continuous pagination.

F. H. GARVER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## AMERICANA

## GENERAL AND MISCELLANEOUS

Nine volumes of Worthington C. Ford's edition of the *Journals of the Continental Congress 1774-1789* have been issued. The ninth, coming out late in 1907, brings the record down to December 31, 1777, and contains an index of the seventh, eighth, and ninth volumes, which cover the proceedings of the year 1777.

*A Century of "Judge-Made" Law*, by William B. Hornblower, *Error of Law*, by Corry M. Stadden, and the second part of *The Function of the Judiciary*, by Percy Bordwell, are the articles in the November, 1907, number of the *Columbia Law Review*.

A posthumous volume of lectures by James Coolidge Carter, published in 1907, bears the title *Law: Its Origin Growth and Function* and consists of a course of thirteen lectures prepared by Mr. Carter for delivery before the Law School of Harvard University. It was the intention to deliver them in the spring of 1905, but after a brief illness the writer died in February of that year.

In the September issue of the *American Journal of Sociology* the editor, Albion W. Small, concludes his able discussion of the question, *Are the Social Sciences Answerable to Common Principles of Method?* Among other articles there is an excellent treatment of an interesting phase of the problem of the Far East under the title, *Political Values of the American Missionary* by Henry W. Rankin.

*The Rise and Development of the Gerrymander* is the subject of one of the University of Chicago doctorate dissertations published in 1907. The monograph is by Elmer C. Griffith and treats historically of the Gerrymander from the colonial times down to the year 1840. The author makes the assertion that the first known appearance of the evil was in Pennsylvania in 1705 in connection with the formation of assembly districts.

We note the announcement of a series of volumes entitled *Select Essays in Anglo-American Legal History*, compiled and edited by a committee of the Association of American Law Schools. The

work will appear in three octavo volumes in 1907, 1908, and 1909 respectively, and the announcements indicate a wide selection covering almost all of the main subjects of law. Little, Brown, and Company, Boston, are the publishers.

An examination of the home conditions of fourteen hundred New York school children, found by school physicians to have physical defects, results in an extended presentation of the *Physical Welfare of School Children* in the *Quarterly Publications of the American Statistical Association* for June, 1907. The examination was conducted by the New York Committee on Physical Welfare of School Children, and the material presented includes an abundance of statistical information indicating the methods of investigation and the conditions ascertained.

A discussion of the *Valley Towns of Connecticut* by Martha Krug Genthe is the chief contribution to the September number of the *Bulletin of the American Geographical Society*. A peculiar geographic condition is noted which has had an important bearing on the historic development of the towns. The Connecticut River and the Connecticut Valley part company below Middletown, the Valley extending down toward New Haven; while the River, turning southeast, cuts a narrow gorge through the rocky uplands and reaches the coast at Saybrook. Thus New Haven, at the entrance to the Valley, is without a river, while Saybrook, possessing the mouth of the River, has no valley.

*Bonds as Investment Securities* forms the general theme of the various papers comprising the September issue of the *Annals of the American Academy of Political and Social Science*. A supplement to this issue consists of a monograph of about one hundred and fifty pages on *Impersonal Taxation*, by Charles Herbert Swan. There is much to be said in favor of the policy pursued by the Academy in assigning definite topics and issuing each publication as a collection of researches or contributions in one particular field. *Social Work of The Church* is the topic considered in the *Annals* for November, 1907. Thirteen articles appear, treating such subjects as: *The Church in its Social Aspect; The Church and the*



*Working Man; Modern Principles of Foreign Missions; The Social Work of a Suburban Church; The Church and Philanthropy, and The Salvation Army.*

The unique institution, known as The Wisconsin Legislative Reference Department, and built up in the past five years by as unique an individual, Mr. Charles McCarthy, is described by M. S. Dudgeon in *The Yale Review* for November, 1907. The article, though brief, gives a clear presentation of the general purpose and methods pursued in the effort to bring together expert knowledge and practical politics. This issue of the *Review* also contains a discussion of *The New Unearned Increment Taxes in Germany*, by Robert C. Brooks; an article on *An Agricultural Bank for the Philippines*, by E. W. Kemmerer; a short study of *George Washington in the Federal Convention*, by Max Farrand; and a discussion of the *Distribution of Immigrants*, by H. P. Fairchild.

The reformation of the criminal has been one of the problems of the ages. From the time of inhuman punishments for minor crimes to the present system of prison reformation, the effort to make a good citizen out of the convict has met with more or less failure. In *Charities and The Commons* for September 28, 1907, Mr. Roland B. Molineux advocates *The Court of Rehabilitation* as the proper means of dealing with the convict. He arraigns the present fixed sentence as uneconomical and worse than useless. A judge and a jury have been required to deprive the convict of his liberty. Mr. Molineux would have a second judge and jury restore him to his freedom whenever, in an unrestricted trial, he can prove himself worthy of once more taking up the duties and responsibilities of citizenship.

Professor George E. Howard, of the University of Nebraska, is the author of a study of *Comparative Federal Institutions*, presented in analytical outline form and published by the University of Nebraska in 1907. The first chapter concerns itself with federal institutions in Greece, Italy, and Western Europe. The next four chapters take up the origin and character of the federal constitutions of the United States, Switzerland, Canada and the Aus-

tralian Commonwealth. The sixth and last chapter gives a list of select references on German and Latin federal institutions. The constant and detailed reference to bibliographies and sources increases immensely the value of the work.

*The Treatment of Burgoyne's Troops under the Saratoga Convention* is the subject of a discussion, by Charles R. Lingley, of the Convention signed by Generals Gates and Burgoyne after the surrender of the latter, and the history connected with the fulfillment or non-fulfillment of its provisions. It appears in the September issue of the *Political Science Quarterly*. Other articles in this issue are a legal discussion of *De Facto Office*, by K. Richard Wallach (his main contention being that there may be *de facto* officers even though there be no *de jure* office), an historical and statistical study of *The Slave Labor Problem in the Charleston District*, by Ulrich B. Phillips, and *The Attitude of the State Towards Trade Unions and Trusts*, by Henry R. Seager.

A little book of about one hundred pages entitled *Janus in Modern Life*, by W. M. Flinders Petrie, contains some striking and interesting comments on certain questions of modern times. It is sociological in nature and discusses tendencies and conditions from the standpoint of individualism rather than collectivism. The writer sees grave dangers to the spirit of initiative in municipal communism and points out the effect of immigration and migration upon a country's social and industrial life. The book is a dissertation on English institutions in particular but draws extensively upon the past of all nations for illustrative purposes. In fact, the work resolves itself into a study of modern conditions by means of a retrospective glance at early historical conditions.

The *American Historical Magazine* for September contains the following articles: *The Duke de Lauzun*, by John Austin Stevens; *Battle of Point Pleasant*, by Delia A. McCullough; and the third installment of *The King Family*, by W. W. Spooner. Several historical documents and extracts are printed, a few facts are noted concerning historical societies, and an extensive department given up to book reviews. The chief contribution to the November num-

ber is *Our Magna Charta and Some of the Steps Leading to its Establishment*, by John B. Cassady. Among the other articles we note *Book of Bruce*, by Lyman Horace Weeks, prefaced by an heraldic illustration in colors; *Origin and Development of the Silk Industry in America*, by Henry Whittemore; *An Old Street of New York*, by James V. Enton; and *Alexander Hamilton and his Ancestry*, by Henry Whittemore. This issue contains no book reviews or other material of an editorial nature.

Several important additions to the *University of Toronto Studies* have recently appeared. Among the studies in History and Economics we note a monograph of about two hundred pages on *Roman Economic Conditions to the Close of the Republic*, by Edmund Henry Oliver. The writer gives a list of between eighty and ninety references to secondary sources, and reserves the footnotes on each page for citations to the original sources. These are copious, and the work as a whole indicates careful research and presentation. The extensive *Review of Historical Publications Relating to Canada*, edited by George M. Wrong and H. H. Langton of the University of Toronto, is deserving of especial commendation. The index volume for the first ten volumes appeared in the year 1907 as did also volume XI, which is a review of the publications of 1906 which relate to Canada.

There appears in the *Annual Report of the Smithsonian Institution* for 1906 an article on *Iceland: Its History and Inhabitants*, by Herr Jon Stefansson. The last paragraph in the article is a comment on the peculiar contribution of that island to the modern world. "Thus the geographical isolation of Iceland, instead of relegating her to oblivion, has given her an opportunity to play a part on the stage of history as an asylum for the old institutions, faith, and customs of the Teutonic race. With the language of the tenth century unaltered, it is to-day a living Pompeii where the northern races can read their past." Another article of an historic nature is *Scalping in America*, by Georg Friederici. The

writer discusses the geographical and chronological extension of the custom, shows its process of development from the more primitive head trophy custom and adds some observations on the spread of the practice through the influence of the Europeans who came to American shores. The offers of scalp premiums among the colonists afford an example of this.

A beautiful specimen of typographical art is *The Journal of American History* for the fourth quarter of the year 1907. The numerous plates are a constant delight to the one who leafs over the pages; and never is there a lack of interest in the articles. They are written for popular reading. There is no pretense of making them conform to the demands of scientific historical research, but the evident mission is to put out a magazine that will stimulate and extend general interest in the history of America and popularize historical reading. A quotation from the editorial columns of the last issue illustrates the attitude toward contributions. "It has been the desire of these pages to allow observers to tell of events as they have seen them, without doubt or questioning, restricting only passions and prejudices." Some of the contributions to the fourth quarterly issue are: *The Builders of the Republic*, an ode to America by Daniel J. Donahoe; *Four Hundred Years of Panama Canal*, by Willis Fletcher Johnson; *Observations of an Early American Capitalist*, being extracts from the diary of General Robert Patteson; *The Development of American Finance*, by Sereno D. Pratt; *Experiences of an American Educator in First Years of the Republic*, also in the form of a diary; and a continuation of the manuscript of Colonel Jarvis giving *An American's Experience in the British Army*. Of interest to students of Western history is an article entitled *Across the American Continent in a Caravan*, by James T. Watson, containing *The Reminiscences of Captain Aram*, a transcript from a journal kept by a pioneer Californian of 1846. The story of the Caribbean Sea is told under the title, *Struggle for Control of America*, by Francis R. Hart. The seeming desire to convey as much of the story as possible in the



headings has led to a multiplicity of titles of individual articles which is somewhat confusing. We are also constrained to wish that the *Syllabus of the First Volume* had been made a more adequate index of the contents of the magazine. In a periodical of history, much of the best material is lost to the public if the index is insufficient to make it accessible.

*The American Political Science Review* has taken at once a place of prominence and authority in the field of American scientific journals. The first number of the second volume appeared in November, 1907, and contains four articles aside from material of a departmental or editorial nature. Charles E. Merriam sketches the history of *The Chicago Charter Convention*. In 1904 an amendment to the Constitution of Illinois authorized the State legislature to enact special laws in regard to the government of Chicago, providing that such laws should not go into effect unless adopted by the people of Chicago. The city council then provided for a Charter Convention which met in October, 1905, and took seriously the task of preparing an efficient and wise plan of government. Extended study was made of provisions in other cities and certain laudable efforts at reform were incorporated into the final draft which was submitted to the legislature in March, 1907. The legislature balked on the reform proposition and so emasculated the charter that upon submission to the people of Chicago, the object of over a year's careful study and effort for good government went down in defeat. As *An Illustration of Legal Development* Ralph H. Hess discusses *The Passing of the Doctrine of Riparian Rights* incident to the extension of a great system of irrigation in America and the diversion of the waters of navigable streams in the furtherance of that system. Margaret A. Schaffner contributes a study of recent legislation in the United States along the lines of *The Initiative, The Referendum and The Recall*. The progress made in recent years in these lines is remarkable and it is interesting to note in the article mentioned the fact that an exceptionally large

number of the illustrations used by the writer are from States of the Middle West and Pacific Coast. A striking example of the institution of these agencies for political expression is in the new Constitution of Oklahoma. The fourth article, by Charles K. Lush, on *Primary Elections and Majority Nominations* is very short and attempts an explanation of the principle of "second choice" nominations in primary elections. The remainder of the *Review*, devoted to *Notes on Current Legislation*, *Book Reviews*, and other valuable departments, is excellently worked out. We would, however, protest against the issuing of the index to the first volume in the first number of the second volume.

Eleven chapters originally delivered as lectures constitute a volume entitled *Factors in Modern History*, by A. F. Pollard. As crystallized from the mass of facts and events of English history of the fifteenth and sixteenth centuries it is an historical precipitate of causes, forces, and basic elements which have contributed most to the making of the British nation of to-day. The purpose of the author is indicated in the statements that "one's facts should be correct; but their meaning is greater than the facts themselves. . . . It is only when we penetrate the outer husks of facts that we can reach the kernel of historic truth. . . . I hope to bring out the significance which underlies the ordinary facts of some portions of English history."

Nationality is the great factor which differentiates modern from medieval history; and the division line had been deepened by the forces of geographical exploration, economic development, growth of the middle class, and the revival of letters. Divine right and absolute power were tendencies which the kings crystallized into practical weapons of an absolute monarchy. By seeking to make Parliament the foundation of the royal authority, Henry VIII encouraged, fostered, and developed that body; "he respected its privileges, he recognized its authority, he extended its sphere; and he helped to forge the weapon that was to overthrow the monarchy."

"Of all the factors which have contributed to the making of the British Empire, none is more important than the union between England and Scotland." The Cromwellian constitutions are classed as great measures of reform and constructive statesmanship, while the Restoration meant a "hideous moral reaction, an orgy of open shame." But the writer maintains that it also meant the restoration of a Parliament, unfettered by rigid law and freed from the fear of the force of arms.

The chapter on *Colonial Expansion* is keen in its historical deductions. After speaking of war as a factor in empire-building the author declares: "The essential factor in the building of the British Empire, the factor which distinguishes it from the jerry-built empire of Napoleon, is the colonist, not the colonel, the settler, not the sergeant. He has wielded the spade and trowel, and not the sword and spear; he has scattered seeds, not blows, and has returned bringing his sheaves with him—sheaves of good grain, and not the tares of human tears and curses."

An undue importance and emphasis is perhaps given to political tendencies and forces. One or two chapters on the factors of climatic conditions and geographic influences might claim a place in this work. The style is rather epigrammatic, the historical examples and allusions pat, and the conclusions drawn from them are instructive, interesting, and philosophical.

#### WESTERN

Randall Parrish is the author of an historical volume on *The Great Plains*, a sketch of the history of the vast region between the Missouri River and the Rocky Mountains.

Among the contributions to *The University of California Chronicle* for October, 1907, we note an address by Edward Robeson Taylor on *Perfectibility of Character*; the *Commencement Address* of President Benj. Ide Wheeler; the addresses delivered at the *Dedication of the Hearst Memorial Mining Building*, and an article on *Americans in French Universities*, by Robert Dupouey.

Two new additions to the already long list of contributions by A. L. Kroeber to the study of the American Indian of the Far West

appear in the *University of California Publications in American Archaeology and Ethnology* issued in September, 1907. One is on *The Religion of the Indians of California* and the other on *The Washo Language of East Central California and Nevada*. A third Indian item is a monograph issued at the same time and in the same series on *Navaho Myths, Prayers and Songs with Texts and Translations*, by Washington Matthews, edited by P. E. Goddard.

An address by George W. Martin, Secretary of the Kansas State Historical Society, was published in 1907 bearing the title, *The First Two Years of Kansas or Where, When and How the Missouri Bushwhacker, the Missouri Train and Bank Robber, and Those Who Stole Themselves Rich in the Name of Liberty, were Sired and Reared*. The account of these early years of civil war and bloodshed is gathered to a large extent from the newspapers of the time, and the footnote references indicate a use of secondary material that is rather partisan in nature. The entire address inclines toward the lurid and has evidently been used by the writer at anniversaries and old settlers' reunions.

The voyage of President Roosevelt down the Mississippi River in October, 1907, was the theme of an article by William F. Saunders in the *American Review of Reviews* for that month. The article, which is entitled *The President's Mississippi Journey*, considers briefly the significance of the event in the possible governmental development of this great American waterway and its effect upon the Middle West. When Marquette and Joliet first made their way to the Mississippi River and returned to the Great Lakes by way of the Illinois and Chicago Rivers, Joliet, with prophetic soul foresaw and commented upon the value of a water connection between the Lakes and River. The present canal is too shallow to permit the passage of the large craft. The deepening of this canal between the Chicago River and the Illinois River would mark a commercial advance the results of which it is difficult to overestimate. Perhaps the most striking thing connected with the article is the following quotation from Hon. John Barrett, Director of the International Bureau of the American Republics, given in a prefatory note by the editor: "The great Middle West will con-



trol the trade of the entire west coast of South America when the Panama Canal is completed, providing the deep waterway from the Lakes to the Gulf is constructed. Otherwise it will be Japan, Germany, and England which will exercise commercial sway over this vast empire to be opened up."

An edition of *The Constitution* of the new State of Oklahoma comes to us in a pamphlet of sixty-four pages. A document of unusual length, it incorporates a number of striking features. One of the most interesting is the provision in Article V for the right of initiative and referendum. It is provided that eight per cent of the legal voters may propose any legislative measure, and fifteen per cent may propose amendments to the Constitution by petition, the full text of the proposed measure being included in the petition. The referendum, or submission of measures to the people, may be ordered (except in certain cases) either by petition signed by five per cent of the legal voters or by the legislature. The veto power of the Governor does not apply to measures voted upon by the people, and any measure rejected by the people can not again be proposed by the initiative within three years by less than twenty-five per cent of the legal voters. The legislature is required to enact laws providing for a mandatory primary system for the nomination of all candidates in all elections for State, District, County, and municipal officers, for all political parties, including United States Senators. The longest article in the Constitution is Article IX dealing with Corporations. The organization and powers of a Corporation Commission, to have control over all transportation and transmission companies, are detailed at great length. A two cent passenger fare on all steam railways is in this article constitutionally fixed, power being given to the Corporation Commission to exempt any railroad from the operation of this provision if it is satisfactorily proved that a just compensation can not be earned thereby. The sixty-four pages of this constitution will well repay a careful study; and indicate a tendency to transfer from the ordinary field of legislation to the field of constitutional law certain vital current problems.

## IOWANA

Published in a small leaflet of a dozen pages is the bar banquet address of Hon. John F. Lacey, at the opening of the Federal Court at Ottumwa, Iowa, on October 21, 1907. The subject is *The Persistent Influence of John Marshall*.

Mr. George William Egan of the Iowa Bar has recently published in very attractive form his *Closing Address to the Jury* in the State of South Dakota *v. Emma Kaufman*. Mr. Egan was special prosecutor in this case in which the defendant was convicted of manslaughter in the first degree. The address covers sixty pages of text. The volume contains also a few newspaper extracts concerning the address, and a statement of the case; and is illustrated by plates showing the special prosecutor, the defendant, her victim, the jury, and the house in which the murder was committed.

*The Iowa Alumnus Directory of Iowa Attorneys*, issued as a supplement to the *Iowa Alumnus* by the Alumni Bureau of Information of The State University of Iowa, constitutes a valuable handbook. The names are arranged by towns; and the attorneys who are graduates of, or who have studied at the State University of Iowa, are printed in black-face type with the year of graduation added. To the *Directory* is appended a list of the Judges of the District Court and of the Supreme Court of Iowa and of the members of the Faculty of the College of Law at the State University of Iowa.

*The Proceedings of the First, Second and Third Annual Meetings of the Pharmaceutical Alumni Association of The State University of Iowa*, held in 1897, 1898, and 1899, are published for the first time in an eighty page volume in 1907. The opportunity has been taken in connection with the publication of the proceedings of these first three meetings, to gather together and include in the volume a brief sketch of The State University of Iowa, a history of the Department of Pharmacy, an account of the men who were instrumental in the organization of the Department, its first faculty, its early graduates, and other valuable and interesting information. There are also included a variety of excellent plates of the buildings and grounds, and portraits of the faculty, early organizers, and graduates.

Three articles comprise the contributions to the *Annals of Iowa* for October, 1907. The first is the beginning of a biographical sketch of *Dr. Edwin James* by L. H. Pammel, of Iowa State College. Dr. James acted as botanist, geologist, and surgeon for the Long Expedition to the Rockies in 1819-1820. He conducted the first party which ascended Pike's Peak; and the peak on the early maps was for this reason commonly termed James Peak. Later Dr. James compiled an account of the expedition which was published by order of John C. Calhoun, Secretary of War. The second installment of the discussion of *Iowa and the First Nomination of Abraham Lincoln* by F. I. Herriott is concerned largely with the politics of the period immediately preceding the Convention of 1860, the facts of which period go far to explain the action of the Iowa delegation. Particular attention is given to the influence of the American or Know Nothing faction in the State. The third article in this issue of the *Annals* is a brief sketch of *Captain John Smith, Governor of Virginia, Admiral of New England*, by Rev. William Salter.

One who reads the *Third Report of the Iowa Library Commission 1905-1906* can not but feel encouraged concerning library interests throughout the State. Gratifying legislation for the adjustment of the Library Commission and the development of the library system in the towns of the State was enacted at the last two sessions of the legislature. The Board of Control of State Institutions has employed a Supervising Librarian to organize and develop the libraries in the fourteen institutions under their charge, and Miss Miriam E. Carey, of the Burlington Library, has been chosen for that position. Of the ninety free public libraries of the State, seventy-three now occupy buildings of their own, and of the remaining seventeen a number will soon be similarly provided for. The report includes in the first part a discussion of the activities of the Commission and the work of the Traveling Library, and an article by Miss Alice S. Tyler, Secretary of the Commission, on the *Form of Library Organization for a Small Town Making a Library Beginning*. Part II gives sketches of each of the free public libraries of the State and illustrations of new buildings occupied since 1903.

During the last few months *The Ames Intelligencer* has printed from time to time sketches of Iowa Governors contributed by well known men of the State. The first appeared in the issue for September 26, 1907. It was written by Richard C. Barrett of the Iowa State College and concerned Stephen Hempstead, second Governor of the State. A week later appeared a sketch of John Chambers, second Governor of the Territory, by Benj. F. Shambaugh of The State University of Iowa. On October 10, Ora Williams of Des Moines contributed an article on Governor William M. Stone. The life of Governor James W. Grimes is portrayed in the issue for October 17, by Horace E. Deemer, Justice of the Supreme Court of Iowa. October 31, Governor Leslie M. Shaw is the subject of a sketch by Frank W. Bicknell, former editor of *The Mail and Times*. Governor Cyrus C. Carpenter receives consideration from the pen of O. H. Cessna of Iowa State College on November 21. A week later Harvey Ingham of the Des Moines *Register and Leader* discusses the life of Governor Ralph P. Lowe. And on December 5, appears an article on Governor Horace Boies written by C. F. Duncombe of Fort Dodge.

## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Abernethy, Alonzo,

*A History of Iowa Baptist Schools.* Osage, Iowa: Published by the author. 1907

Burton, Martha Virginia,

*Sons of the Sun.* [Poems] Chicago. 1907.

Butler, Ellis Parker,

*The Confessions of a Daddy.* New York: Century Company. 1907

*Kilo.* New York: McClure Company. 1907

Ebersole, Ezra Christian,

*The Courts and Legal Profession of Iowa.* Chicago: H. C. Cooper, Jr., and Company. 1907

Egan, George William,

*Closing Address to the Jury. State of South Dakota against Emma Kaufman.* Published by the author. 1907



130 IOWA JOURNAL OF HISTORY AND POLITICS

Garland, Hamlin,

*Money Magic.* New York: Harper and Brothers. 1907

*Boy Life on the Prairie.* New York: The Macmillan Company. 1907

Gregory, Charles Noble,

*Samuel Freeman Miller.* Iowa City: The State Historical Society of Iowa. 1907

*Federal Treaties and State Laws.* Reprint from Michigan Law Review. 1907

Hough, Emerson,

*The Way of a Man.* New York: The Outing Publishing Company. 1907

Hubbard, Joseph W.,

*The Presbyterian Church in Iowa 1837-1900.* Cedar Rapids, Iowa: Jones & Wells. 1907

Parrish, Randall,

*The Great Plains.* Chicago: A. C. McClurg Company. 1907

*Beth Norvell.* Chicago: A. C. McClurg Company. 1907

Potter, Franklin Hazen,

*A New Method for Caesar.* Boston: Benjamin H. Sanborn and Company. 1907

Quick, J. Herbert,

*The Broken Lance.* Indianapolis: Bobbs-Merrill Company. 1907

*Aladdin and Co.* [New Issue] Indianapolis: Bobbs-Merrill Company. 1907

Shaw, Albert,

*The Outlook for the Average Man.* New York: The Macmillan Company. 1907

*Political Problems of American Development.* New York: The Macmillan Company. 1907

Shaw, Leslie Mortier,

*Current Finance: From the Point of View of a Secretary of the Treasury.* Edited by Harold Bolce. New York: D. Appleton and Company. 1907

Steiner, Edward A.,

*The Mediator.* New York and Chicago: Fleming H. Revell Company. 1907

Thanet, Octave (Alice French),

*The Lion's Share.* Indianapolis: Bobbs-Merrill Company. 1907

Ware, Eugene F.,

*The Lyon Campaign in Missouri.* Topeka, Kansas: Published by the author. 1907

SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

*The Register and Leader*

Sketch of Life of Charles Aldrich, October 2, 1907

The Pioneer Bankers of Des Moines, by L. F. Andrews, October 7, 1907

Sketch of Life of Prof. E. W. Stanton, October 13, 1907

Sketch of Life of Josiah M. Thrift, by L. F. Andrews, October 13, 1907

When Deacon White Lived in Des Moines, October 13, 1907

Iowa's First Church and Its History, October 13, 1907

Account of the Herndon Gas Boom, October 20, 1907

Historic Places of Des Moines, October 27, 1907

Article on the Muscatine County Court House, erected in 1840, October 27, 1907

Martin Tuttle, Pioneer, by L. F. Andrews, October 27, 1907

Historic Places of Des Moines, November 3, 1907

Sketch of Life of William Lowry, by L. F. Andrews, November 3, 1907

How Uncle Sam Carried Mail Fifty Years Ago, November 10, 1907

Captain Clark—Iowa's Real Oldest Settler, November 10, 1907

The Story of C. E. Perkins, December 1, 1907

Iowa's "Old Daniel Boone", December 1, 1907

Sketch of Life of Mose Strauss, by L. F. Andrews, December 1, 1907

Sketch of Life of Rev. Ephraim Adams, December 2, 1907

Sketch of Life of Judge P. M. Casady, December 4, 1907

## 132 IOWA JOURNAL OF HISTORY AND POLITICS

Historic Places in Des Moines, December 8, 1907

Polk County's Real Pioneer Preacher—Rev. Sanford Haines, by  
L. F. Andrews, December 8, 1907

### *The Burlington Hawkeye*

Sketch of Life of James Higbee, Iowa's Oldest Continuous Resident,  
October 10, 1907

Sketch of Life of Jones S. Knapp, Iowa's Oldest Continuous Resi-  
dent, October 20, 1907

Burlington in Early War Time, October 20, 1907

A Methodist Circuit Rider's Experience, October 27, 1907

Preserve History, Burlington Resident Suggests Formation of  
County Society, November 3, 1907

Sketch of Life of Charles Elliott Perkins, November 9, 1907

Sketch of Life of Rev. Ephraim Adams, December 1, 1907

### *The Daily Nonpareil*

C. H. Street's Recollections of Early Council Bluffs, October 20,  
1907

### *The Sioux City Journal*

Sketch of Life of Charles Aldrich, October 3, 1907

History of the Corn Palace in Sioux City, October 6, 1907

Sketch of Life of Dr. William Ordway, a pioneer, October 20, 1907

Sketch of Life of Frank Wayland Palmer, December 4, 1907

## HISTORICAL SOCIETIES

### PUBLICATIONS

Aside from a few pages of *Extracts from Selectmen's Records*, the *Medford Historical Register* for October is given over to *Some Letters of Miss Lucy Osgood* edited by Henry C. DeLong.

The State Historical Society of Wisconsin announces the publication of volume V of the reprint of *Wisconsin Historical Collections*, and a volume from the Draper manuscripts giving details of Revolutionary operations on the upper Ohio River in 1775-1777. The *Proceedings* of the fifty-fifth annual meeting of the Society, held at Madison, November 7, 1907, will also be published in the near future.

*The South Carolina Historical and Genealogical Magazine* for October, 1907, contains four contributions, all of them continuations and all of them consisting of edited original material. Distributed by the Society in 1907 was *An Address Delivered by Henry A. M. Smith at the Unveiling of the Monument to General Thomas Sumter at Statesburgh, S. C., August 14, 1907*, published in a pamphlet of about seventy pages.

Some original historical material of great importance is published for the first time in *The Quarterly of the Texas State Historical Association* for July. It consists of *General Austin's Order Book for the Campaign of 1835* and contains valuable documents relative to the Texas Revolution. The two remaining articles in this issue are *Reminiscences of Reconstruction in Texas* by T. B. Wheeler, and *Elizabeth Bullock Huling, a Texas Pioneer* by Adele B. Looscan.

Under the title of *A Typical Missionary: Rev. Sebastian Rale, the Apostle of the Abnakis* there is begun by H. C. Schuyler in the *Records of the American Catholic Historical Society* for June, 1907, a biography of a Jesuit missionary who worked among the Indians of Canada during the last part of the seventeenth and the first part



of the eighteenth centuries. A collection of *Correspondence between the Sees of Quebec and Baltimore* is also published in this issue of the *Records*, and an article by James J. Walsh on *Robert Dwyer Joyce, M. D.*, the Irish-American poet.

A paper read before the Chicago Historical Society and the Evanston Historical Society by Frank R. Grover on *Father Pierre François Pinet, S. J. and his Mission of the Guardian Angel of Chicago 1696-1699* appears as one of the publications of the Chicago Historical Society. Mr. Grover tells, with the aid of numerous quotations from contemporary writings, the story of this mission on the shore of Lake Michigan north of the present site of Chicago in 1696. The illustrations include a map and several plates.

Among the publications of the North Carolina Historical Commission for 1907 is an essay on *The Beginnings of English America: Sir Walter Raleigh's Settlements on Roanoke Island 1584-1587*. The story of the "Lost Colony" is interestingly told and well illustrated with plates from the John White Pictures. There also appears *Bulletin No. 1*, entitled *The North Carolina Historical Commission*. It consists of a brief sketch of the creation, organization, and work of the Commission. The laws providing for its establishment and support are printed and a topical statement of what the Commission has done.

Three articles comprise the general reading matter of the *Proceedings of the New Jersey Historical Society* for January-April, 1907. The first is *An Examination of Old Maps of Northern New Jersey* by Elizabeth S. Brown, the examination being made with reference to the identification of the Nutley Area and Washington's route across it, and to the boundary dispute between Newark and Acquackanonk. There follows a continuation of Mr. William Nelson's article on *The Founder of the Van Buskirk Family in America*. The third article, written by A. Q. Keasby, is on *Slavery in New Jersey*.

Chapter III of the life of *Francis Daniel Pastorius* by Marion D. Learned constitutes the major part of the *German American Annals* for September and October, 1907. This installment treats of

the period of his life just preceding his migration to America in 1683 and is illustrated by a number of plates. The remaining numbers in the issue are *Alexander Reinagle, and his Connection with the Musical Life of Philadelphia* by R. R. Drummond, *Provincialisms of Southeastern Pennsylvania* by Professor Heydrick, and a *Bibliography of German Americana for the Year 1906* by William G. Bek.

A contribution bearing the title of *Sarah Loretta Denny—A Tribute* opens the October number of *The Washington Historical Quarterly*. *Daniel Webster and Old Oregon* by C. T. Johnson discusses Webster's attitude toward the Pacific Northwest. Edmond S. Meany tells of his meeting the *Last Survivor of the Oregon Mission of 1840*. *The Whitman Monument* is a plea for the removal of the debt from that memorial. Other contributions are *The United States Army in Washington Territory* by Thomas W. Prosch; a collection of data concerning *Washington Territory in the War between the States*; and an installment of *Old Letters from Hudson Bay Company Officials and Employes from 1829 to 1840* edited from documents secured by Mrs. Eva Emery Dye.

A *Manual of the Western Reserve Historical Society*, issued in 1907, gives a summary of the history, organization, condition, purposes, and services of the Society in a pamphlet of about thirty-five pages. The antecedents of the Society may be traced to 1811; from 1867 to 1892 it existed as the Historical Department of the Cleveland Library Association; and in the latter year an independent charter under the present name was obtained. The publications date as early as 1870 and are in the form of tracts numbered consecutively and comprising ninety in all. The tracts are listed with a brief description of each; the titles indicate research along a number of valuable lines. Three plates, showing an exterior and two interior views of the building of the Society, illustrate the pamphlet.

A short sketch of *Governor Preston H. Leslie* by Mrs. Jennie C. Morton opens the September number of the *Register of the Kentucky State Historical Society*. The subject of the sketch, whose death occurred in February, 1907, was Governor of the State of

Kentucky from 1871 to 1875 and was appointed Governor of the Territory of Montana by President Cleveland in 1889. Other articles are: *Franklin County, Kentucky*, the first chapter of a county history by L. F. Johnson; *The Old Fort* by W. W. Stephenson, a discussion of the location of the old fort at Harrod's Town illustrated by a map of the fort; and *Did De Soto Discover Kentucky at the Time of his Conquest of Florida* by Z. F. Smith. It is the author's contention that in his march northward from Florida De Soto passed over into what is now Kentucky in the summer of 1540 and from there turned again southward.

*The Proceedings of the Vermont Historical Society 1905-1906* contains much of interest. An address by Wendell Phillips Stafford on *Thaddeus Stevens*, delivered at the annual meeting of the Vermont Historical Society in November, 1906, is published in full. Judge Stafford does not present new material regarding Thaddeus Stevens but gives an eloquent word-picture of that fiery exponent of negro freedom. A short paper on *Prehistoric Vermont* by George Henry Perkins discusses evidences of early occupation by Indian tribes. A brief sketch of the life of General James Whitelaw precedes a copy of a *Journal of General James Whitelaw Surveyor General of Vermont*. This journal was kept during the years 1773 and 1774 and is accompanied with data relating to other years. The manuscript is in the possession of the Vermont Historical Society.

The Missouri Historical Review for July contains the following articles: *Glimpses of Old Missouri by Explorers and Travelers* by Francis A. Sampson; *Presbyterianism in Saline County, Missouri*, by J. L. Woodbridge; the third installment of *Historic Landmarks of Jefferson County* by John L. Thomas; *A Few of the Leading People and Events of Early Missouri History* by J. C. Broadhead; a collection of *Documents Illustrating the Troubles on the Border, 1859*, by Jonas Viles; and *Selections from the Missouri Intelligencer and Boon's Lick Advertiser*. The issue for October contains an article on *The Retirement of Thomas H. Benton from the Senate and its Significance* by P. O. Ray, being a condensation of two chapters in a more extended work on *The Genesis of the Repeal of the*

*Missouri Compromise* upon which Professor Ray is now engaged. We note also in this number *Missouri from 1849 to 1861* by Charles M. Harvey, a discussion of a period in which the State of Missouri most certainly took an important place in the course of national events.

Jonathan Law was Governor of Connecticut from 1742-1750. Now, one hundred and fifty-seven years after his death, his letters and papers are being published by the Connecticut Historical Society. The papers begin with October, 1741, for Law in his capacity as Deputy Governor took up the duties of the office at that time by reason of the death of Governor Talcott. Volume XI of the *Collections of the Connecticut Historical Society* includes papers dating from October 1741 to July 1745, and subsequent volumes will continue the publication. An extremely important collection of papers is here given to the public, bearing upon internal affairs of the colony, troubles with Indians, and relations to other colonies and to England. In the later part of the volume many letters have to do with the expedition of 1745 against Louisbourg.

Of exceeding interest is the series of papers and letters edited in the current numbers of *The "Old Northwest" Genealogical Quarterly* and listed as *Selections from the Papers of Governor Allen Trimble*. The October number includes manuscripts between the dates 1823 and 1830, some of them private and some of them of a public character. Many are written to and from the most prominent men of that day in Ohio and afford an invaluable commentary on State history. Other articles in the October issue are *Origin of the Johnston Family* by James R. Johnston, and *Correspondence of Col. James Denny, of Circleville, Ohio*, by Henry D. Turney. This collection of letters dates from 1808-1815 and gives interesting side lights on the War of 1812 in the western campaigns of which Denny was a participant. He was an officer in the fated army which Hull surrendered at Detroit, and his letters contain frequent allusions to the same incidents which are detailed by Robert Lucas in his *Journal* kept during the same campaign. With Lucas, whom he mentions, he shared the common feeling of bitter disappointment at the outcome. He writes to his wife five days after the sur-



render: "I can not write you the particulars which have led to our capture—it will require a column no less than an Arnold conspiracy; it is a tale our country will weep at hearing. Two thousand prisoners grounding their arms to an inferior force, without a conflict, is without a parallel in the history of our country."

Full of interesting contributions is the October number of the *Ohio Archaeological and Historical Quarterly*. All of the four articles deal with "primeval" topics or with the history of Ohio prior to its Statehood. *American Aborigines and their Social Customs* is a presentation of the life and habits of the Indian in general by J. A. Easton. *The Mounds of Florida and their Builders* by J. F. Richmond describes the nature of the remains in that State. An article on *Major-General Arthur St. Clair* by Albert Douglas is a laudable attempt to do justice to one who fell under the ban of frontier unpopularity and whose reputation has for that reason suffered more deeply than was deserving. His mistakes were many but his long and arduous service was of great import to the country and we earnestly hope that the movement for the erection of a bronze statue on the grounds of the State House at Columbus, Ohio, will be successful. An article by E. O. Randall entitled *Washington and Ohio* outlines the romantic story that unites the First American with the Ohio country. Following this are three poems: *Prolific Ohio* by Lucien Seymour; *A Buckeye Home Coming* by Thomas M. Earl; and *The Buckeye Pioneers* by Osman C. Hooper, each of them written for an historical gathering.

In *The American Historical Review* for October, Ettore Pais under the title *Amunclae a Serpentibus Deletae* makes an inquiry into the cause of the end of that ancient city, Amunclae, concerning which an old tradition declares that the inhabitants, belonging to the Pythagorean sect which forbade the slaying of animals, perished by reason of the bites of snakes that infested the swamps in the neighborhood. *The Descendants of the Curia Regis* is a brief treatment, with the use of a chart, of the relation of English institutions to the Curia Regis, by George Burton Adams. Two more extended articles appear in this issue, one on *The Mecklenburg Declaration: the Present Status of the Question* by A. S. Salley, Jr.,

and the other on *The Records of the Federal Convention* by Max Farrand. Mr. Salley's article is an excellent analysis of the literature on this much disputed controversy and also includes the result of independent investigation that adds light upon the matter. The presentation is clearly given and the conclusions seem amply sustained by the facts. The reader will be inclined to concur with the writer in the belief that the Mecklenburg *Resolves* of May 31, 1775, are genuine, but are in no sense a Declaration of Independence, while the *Declaration* of May 20, 1775, is essentially a Declaration of Independence, anticipating some of the wording of the Declaration of 1776, but that it is not genuine, but simply an imposture fabricated at a much later date and foisted upon a too credulous people. It is only another example of the ultimate arrival at truth through scientific methods of research. Mr. Farrand's article is an able discussion of the various Records of the Constitutional Convention giving more attention naturally to the *Journal* of the Secretary and Madison's *Debates* but commenting briefly upon all. Some interesting comparisons are made between the *Journal* and Madison's *Debates*, and attention is drawn to certain cases in which Madison corrected his own manuscript by the *Journal*, sometimes falling into error thereby. The second part of the document entitled *Directorium ad Faciendum Passagium Transmarinum*, with an introduction by C. Raymond Beazley, also appears in this number.

## ACTIVITIES

Miss Idress Adaline Head has been chosen as Librarian of the Missouri Historical Society, at St. Louis to succeed Miss Mary Louise Dalton, who died in June, 1907. Miss Head is a native of Missouri and has been teaching in the Normal School at Cape Girardeau and assisting in the compilation of a history of Missouri.

The American Historical Association held its annual meeting at Madison, Wisconsin, December 27-31, 1907. Meetings of the following organizations were also held at this time: American Economic Association, American Political Science Association, American Sociological Society, American Association for Labor Legislation, and Mississippi Valley Historical Association.

In the *Ohio Archaeological and Historical Quarterly* for October we note a list of honorary and life members of the Society showing six of the former and two hundred of the latter class. The Society is a progressive organization and its researches particularly in the archaeological field have added much to historical knowledge.

At the Madison meeting of the American Historical Association and the American Political Science Association, these two organizations voted to meet next year at Richmond, Virginia. At the respective business meetings, Ambassador James Bryce was chosen President of the American Political Science Association and Professor George Burton Adams of Yale was elected to fill the corresponding office for the American Historical Association.

Collection and publication of North Carolina archives was placed in the hands of a Historical Commission by the General Assembly of the State in 1903. According to the report of this Commission for the years 1903-1905 the appropriation was but \$500 annually to cover the expense of collection and transcription, the documents to be issued by the State printer as public printing. It is pleasing to note that a law of the General Assembly in March, 1907, enlarges the power of the Commission and places the annual support at \$5,000.

In connection with the Thirty-Second Annual Meeting of the Kansas State Historical Society, there was begun at Topeka, on December 6, a celebration of the Fiftieth Anniversary of the First Free State Legislature of Kansas Territory. There are six survivors of the group of fifty-six men who composed that memorable body. The evening meeting of the Society was marked by two addresses, *The First State Legislature* by D. E. Ballard and *The Measure of a State* by Mrs. Margaret H. McCarter, and by the anniversary ceremonies consisting of an introduction by Governor Hoch and responses by the survivors of the Legislature of 1857. On the day following, the Anniversary was continued at Lawrence in the form of a meeting of the Territorial Legislature and reports\* from members. The program for the afternoon and evening consisted of a drive to the State University and other points of interest, dinner, and a social reunion.

At the Conference on the Problems of State and Local Historical Societies, held in connection with the annual meeting of the American Historical Association at Madison, Wisconsin, in December, 1907, the following motion was carried: "That a committee of seven be appointed by the chairman of this Conference for the purpose of formulating and reporting at the next annual meeting a plan for the coöperation of state historical societies and departments in the collection and publication of historical materials in the form of transcripts of original documents. That the committee be authorized to report fully and completely upon the subjects referred to it."

The committee appointed consists of Dunbar Rowland of the Department of Archives and History of the State of Mississippi, Chairman; J. Franklin Jameson of the Carnegie Institution of Washington; Evarts B. Greene of the University of Illinois; Thomas M. Owen of the Department of Archives and History of the State of Alabama; Benj. F. Shambaugh of The State Historical Society of Iowa; Reuben Gold Thwaites of The State Historical Society of Wisconsin; and Worthington C. Ford of the Library of Congress.

A Conference on the Problems of State and Local Historical Societies took place on the morning of December 28, 1907, at Madison, Wisconsin, as a part of the program of the annual meeting of the American Historical Association. Frank H. Severance of the Buffalo Historical Society presided over the Conference and Evarts B. Greene of the University of Illinois acted as Secretary. The program was opened by a *Report on the Year's Progress* by Evarts B. Green in which he outlined the most important of the undertakings and achievements of the various societies during the past year. *The Coöperation of State Historical Societies in the Gathering of Material in Foreign Archives* received considerable attention. In the absence of Arthur G. Doughty, Archivist of the Dominion of Canada, who was to have presented the subject, the discussion was opened with a paper by Dunbar Rowland of the Mississippi Department of Archives and History, who was followed by Clarence W. Alvord of the Illinois State Historical Library.



After some discussion a motion was carried to appoint a committee of seven to take steps for the coöperation of historical societies in the gathering of materials from the archives in Washington, D. C. and in foreign depositories, said committee to report at the next annual meeting of the American Historical Association. The *Scientific Organization of Historical Museums* was the subject of a paper read by Lucy M. Salmon, Professor in Vassar College, and discussed by Julian P. Bretz and others. A paper on *Coöperation of Local Historical Societies* by John F. Ayer, Secretary of the Bay State Historical League, was read, in his absence, by the secretary of the Conference.

Preëminent among the historical societies of the West in the scope of its activities, in the extent and value of its library, and in the liberality with which it is supported, is the State Historical Society of Wisconsin. On the afternoon and evening of November 7, 1907, the Society held its fifty-fifth annual meeting. The business session occurred in the afternoon at which time twelve Curators were elected for the ensuing term of three years. The Treasurer's report showed that the Society's private funds now amount to over \$55,000, there being a net gain of over \$2500 in the past year. The last legislature also increased the support for administrative purposes by an additional \$5000. Superintendent Reuben Gold Thwaites reported a large increase in the library which now contains nearly 300,000 titles. From all over the country scholars come to this library for the purpose of research. Dr. Thwaites emphasized in his report the crowded condition of the present library building and urged upon the legislature the erection of the proposed wing to the building. It was understood at the last session that this request would be granted in 1909 but it may be necessary to secure outside storage room until that time. In executive committee meeting the present officers of the Society were reëlected for a term of three years. The evening session was opened by the address of the President of the Society, William Ward Wight of Milwaukee. Papers on the following subjects were read: *Fox Indian Wars in Wisconsin* by Louise Phelps Kellogg, *Reminiscences of a Pioneer in the Rock River Country* by Edwin Delos Coe, *The*

*Polish People of Portage County* by Albert Hart Sanford, *Economic Conditions in the Northwest, 1860-70* by Carl Russell Fish, and *Invention of the Roller Flour Mill* by Publius V. Lawson. There was a large attendance at the meeting, nearly every section of the State being represented. There are at present over six hundred members of the State Historical Society of Wisconsin, among whom are the principal men of the State. The meeting closed with an informal reception by the resident Curators, the ladies of the Historical and University staffs serving light refreshments.

An excellent step has been taken by the various organizations of the Ohio Valley interested in historical work. A movement inaugurated by the Cincinnati History Teachers Association resulted in a successful meeting on November 29-30, 1907, of the Central Ohio Valley History Conference, the purpose being to bring about some form of coöperation among history workers, historical societies, patriotic societies, and history teachers. The sessions were held at Cincinnati. On Friday afternoon, November 29, the principal address was given by Dr. Reuben Gold Thwaites of the State Historical Society of Wisconsin, on *The Mission of Local History*. Following this were reports on various phases of the relation of the State to work in local history, by E. O. Randall, Secretary of the Ohio State Archaeological and Historical Society, Mrs. Jennie C. Morton, Secretary of the Kentucky State Historical Society, Virgil A. Lewis, Director of the Department of Archives and History of West Virginia and C. B. Galbreath, Librarian of the Ohio State Library. Reports of special work in local history were also given by George S. Cottman of Indianapolis, W. W. Longmoor of Frankfort, Kentucky, and Frederick Hinkle of the Cincinnati Branch of the Archaeological Institute of America. The evening program consisted of an introductory address on *The Autocrat of Indiana* by William Dudley Foulke, and a poem, *The Founder*, by William H. Venable. The leading paper of the morning session of November 30, was on *The Teacher of the Social Sciences* by James Alton James of Northwestern University, which was discussed by Samuel B. Harding, Clement L. Martzoff and Bertram L. Jones. The afternoon session was given to addresses on the work of the hered-

itary patriotic societies. A committee was appointed to prepare a program for the meeting next year and to present a plan for permanent organization. West Virginia, Kentucky, Ohio, and Indiana are already interested in the movement and it is hoped and expected that other States of the Ohio River Valley will fall in line with the organization.

#### THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

Representatives of the historical societies of the Mississippi Valley met on October 17 and 18, 1907, at Lincoln, Nebraska, and effected the temporary organization of The Mississippi Valley Historical Association. The program on the evening of October 17 consisted of an address of welcome by Dr. William K. Jewett of the University of Nebraska and short speeches by representatives of the various State societies who spoke in general of the collections and activities of the historical societies of which they were in charge. Some of the speakers were: C. S. Paine and George L. Miller of the Nebraska Historical Society, F. A. Sampson of the State Historical Society of Missouri, Benj. F. Shambaugh of The State Historical Society of Iowa, Edgar R. Harlan of the Historical Department of Iowa, Warren Upham of the Minnesota Historical Society, W. S. Bell of the Montana Historical Society, and George W. Martin of the Kansas State Historical Society. On the following morning a business session was held, Mr. F. A. Sampson, Secretary of the State Historical Society of Missouri presiding, and Assistant Curator E. R. Harlan of the Historical Department of Iowa acting as Secretary. A tentative organization was accomplished, outlined after that of the Pacific Coast Branch of the American Historical Association. A constitution was adopted; and officers were elected as follows: President, F. A. Sampson, of Missouri; Vice President, Warren Upham, of Minnesota; Secretary-Treasurer, C. S. Paine, of Nebraska. These officers, together with Reuben Gold Thwaites of the State Historical Society of Wisconsin and George W. Martin, of the Kansas State Historical Society, were to act as an executive committee until the first of the semi-annual meetings of the Association which was to be held at Madison, Wisconsin, in connection with the meetings of the American Historical Association.

Two meetings of the Mississippi Valley Historical Association took place at Madison in the Library Building of the State Historical Society of Wisconsin—one on the afternoon of Saturday, December 28, and the other at nine o'clock Monday morning, December 30, 1907. At these meetings a permanent organization was affected, a constitution adopted and officers elected. The officers chosen are as follows: President, Thomas M. Owen; Vice President, Clarence W. Alvord; Secretary-Treasurer, Clarence S. Paine; additional members of the Executive Committee, Reuben Gold Thwaites and George W. Martin. At a meeting of the Executive Committee it was decided to hold the next meeting of the Association at Lake Minnetonka, Minnesota, in June, 1908. The Constitution as adopted is as follows:—

## CONSTITUTION OF THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

## I—NAME

The name of this organization shall be the Mississippi Valley Historical Association.

## II—OBJECT

The object of the Association shall be to promote historical study and research and secure coöperation between the historical societies and the departments of history of the Mississippi Valley.

## III—MEMBERSHIP

Anyone interested in the study of Mississippi Valley history may become an active member upon payment of the dues hereinafter provided.

## IV—OFFICERS

The officers of the Association shall be a President, a Vice President, and a Secretary-Treasurer, who with two other active members shall constitute the Executive Committee. All officers shall be elected at the annual meeting in June, and shall hold office for one year or until their successors are elected and have qualified. The Executive Committee shall have general charge of the affairs of the Association, including the calling of meetings, and selection of papers to be read.

## V—MEETINGS

Regular meetings of the Association shall be held in the months



of June and December of each year, on such day and at such place as the Executive Committee may determine; provided, however, that the December meeting shall be held at the same time and place as the annual meeting of the American Historical Association.

## VI—DUES

The annual dues for active members shall be one dollar.

## VII—AMENDMENTS

This Constitution may be amended at any regular meeting, notice of such amendment having been given at a previous meeting, or the proposed amendment having received the approval of the Executive Committee.

## THE POTTAWATTAMIE COUNTY HISTORICAL SOCIETY

With a charter roll of seventeen members, all of whom displayed the heartiest enthusiasm for the work about to be undertaken, the Pottawattamie County Historical Society was founded at a meeting in the auditorium of the Free Public Library at Council Bluffs, Iowa, Tuesday evening, November 26, 1907. All the formal details of organization were attended to, a Constitution and By-laws being adopted, officers elected, and plans made for work in the immediate future.

A representative gathering of Pottawattamie County citizens was present, including some of the most recent comers as well as some of the few surviving settlers who crossed the prairies from Nauvoo in the famous Mormon emigration. Several of the latter were prevailed upon to recount a few stories and traditions of pioneer days in western Iowa, and their reminiscences formed one of the most delightful features of the meeting.

An interesting evidence of the comprehensive character of the gathering consisted in the large proportion of women, who made up not less than one-third of those present at the meeting.

John M. Galvin, who was elected President of the new Society, presided over the meeting. Mr. Galvin is President of the Board of Trustees of the Free Public Library, and as its representative issued the call for the organization meeting.

The matter of founding a county historical society had been

discussed, here and there, for many years, but it was not until last fall that any definite steps were taken. The suggestion which was perhaps more than anything else responsible for the founding of the organization came at a meeting of the library board. C. R. Tyler, a member of the board, had secured possession of a number of copies of *The Western Bugle* (Council Bluffs) and *The Oracle* (Crescent City), both published in the early fifties, when Crescent, now a village of one hundred and fifty inhabitants, and Council Bluffs were close rivals for the emigrant trade. Mr. Tyler donated the newspapers to the library, and in the discussion of the gift several members of the board mentioned the quantity of historical material relative to Pottawattamie county contained, in book, newspaper, and manuscript form, in the library. This led to the suggestion that a historical society be founded for the care of this material and for the acquisition of more. Everywhere the suggestion was enthusiastically received, and at the October meeting of the board of library trustees President Galvin was instructed to call a meeting for the organization of a county historical society.

The purpose of the Society, as organized, is to preserve historical relics as well as historical data, though special stress will for the present be laid upon the latter, in order that as much information as possible may be secured before the few remaining early settlers pass away. Mrs. Charles M. Harl, the Historian, is an expert stenographer, and will make an effort to secure and transcribe the reminiscences of all the living pioneers of the county.

A room in the Free Public Library is to be provided for the use of the Society, and meetings will be held there every few weeks during the first year of the organization's existence. The next meeting is to be held in January, 1908, when a program of historical papers will be presented. Until that time the charter roll will be held open to all who desire to sign it.

It is the intention of the Society, as soon as it is well started in its work, to become an auxiliary member of The State Historical Society of Iowa.

The following officers were elected at the organization meeting: President, John M. Galvin; Vice President, Charles M. Harl; Sec-

retary, William J. Leverett; Treasurer, H. W. Binder; Historian, Mrs. Charles M. Harl. The Board of Directors consists of the officers, together with the following additional members: Mrs. Walter I. Smith, Mrs. George T. Phelps, H. H. Field, and Dr. J. M. Bars-tow.

The Constitution and By-laws, which are similar to those of many other county historical societies, are as follows:

#### CONSTITUTION

##### ARTICLE I—NAME

The name of this Society shall be the Pottawattamie County Historical Society. The Society shall be located at Council Bluffs, Iowa.

##### ARTICLE II—OBJECTS

The Society is organized for the purpose of discovery, collection, and preservation of books, pamphlets, maps, genealogies, portraits, paintings, relics, manuscripts, letters, journals, surveys, field-books, any and all articles and materials that may establish or illustrate the history of Pottawattamie County, Iowa, or other portions of the State or adjoining States, and the collection, preservation, and publication of such historical matter as the Society may authorize.

##### ARTICLE III—MEMBERSHIP

Any person may become a member of this Society upon election by a majority vote at any meeting thereof and upon the payment of an entrance fee of one dollar, which shall be in payment of dues for the year. Membership in this Society may be retained after the first year upon the payment of one dollar annually, payable January 1.

The Society shall have the power of conferring honorary or life membership in its discretion, by a vote of two-thirds of the members present at any meeting called for that purpose.

##### ARTICLE IV—OFFICERS

SECTION 1. The officers of this Society shall be a President, Vice President, Secretary, Treasurer, Historian and a Board of Directors.

The Board of Directors shall consist of the foregoing officers and four additional members of the Society.

SECTION 2. The officers and directors shall be elected at the annual meeting of the Society.

ARTICLE V—BOARD OF DIRECTORS AND STANDING COMMITTEES

SECTION 1. The affairs of the Society shall be managed by the Board of Directors, subject to the provisions of the Constitution and By-laws.

All appropriation of the funds of the Society shall be made by the Board of Directors.

SECTION 2. The Society may provide for such standing committees as may be deemed necessary, and assign to them such duties as may be expedient.

ARTICLE VI—MEETINGS OF THE SOCIETY

SECTION 1. The annual meeting of the Society shall be held on the fourth Tuesday in November of each year.

SECTION 2. Special meetings may be held at the call of the President and Secretary.

SECTION 3. Five members shall constitute a quorum for the transaction of business.

SECTION 4. No indebtedness shall be incurred by the Board of Directors in excess of the amount of funds in the hands of the Treasurer not already appropriated, unless by the direction of a majority of the Society at a stated meeting, of which there shall have been due notice to all members.

ARTICLE VII—AMENDMENTS

The Constitution may be amended by a majority vote of the members present at any stated meeting, provided written notice of such amendment shall have been given at least thirty days previous to such meeting.

BY-LAWS

ARTICLE I—DUTIES OF OFFICERS

The duties of the officers shall be such as indicated by their titles and as may be provided by the Constitution and By-laws.

ARTICLE II—ADDITIONAL DUTIES

SECTION 1. The Secretary shall keep a record book in which shall be transcribed the Constitution and By-laws of the Society,



and the records of the proceedings of all meetings of the Society, and all other matters of which a record shall be ordered by the Society.

SECTION 2. The Secretary shall also list, file, and preserve the originals of all letters, papers, addresses and other material proper to be preserved, and shall have the care and charge of all books, papers, records, writings and relics, or other collections of this Society; he shall make a catalogue of all such documents, papers, relics and collections as shall come into his hands; he shall be held responsible to the Society for the care and safe custody of all its said properties, and under no circumstances shall any person, whether officer or member, be suffered or permitted to take from such place or places, as shall be hereafter designated by the Society as its repository, any item or article of its property of whatever kind or nature, except by resolution of the Board of Directors.

At each stated meeting of the Society the Secretary shall report in writing a list of books, papers, relics, etc., that have been acquired by the Society since the last stated meeting, and a list of such books, relics, etc., that may have been lost since the last stated meeting, with such information as he may have concerning the same.

#### HISTORIAN

SECTION 3. The Historian shall keep a record of all important or interesting events occurring, and shall at the annual meeting submit a paper presenting the history of the county for the past year, which shall be filed and preserved among the records of the Society.

#### TREASURER

SECTION 4. The Treasurer shall collect and safely keep all the funds belonging to the Society and disburse the same only on order of the Board of Directors; and he shall make a full report of the financial condition of the Society at each annual meeting.

#### DIRECTORS

SECTION 5. The Directors shall consider and determine what books, papers, records, writings, relics and other historical material shall be purchased for the Society.

The Board of Directors shall have general management of the affairs of the Society.

At any meeting of the Board of Directors five members shall constitute a quorum to transact business.

The President of the Society shall be ex officio chairman of the Board of Directors, and meetings of the Board shall be held subject to his call.

ARTICLE III—ORDER OF BUSINESS

At each meeting of the Society or Board of Directors the order of business shall be as follows:

1. Reading of minutes.
2. Presentation of petitions, letters and memorials or papers which require action.
3. Nomination and election of officers.
4. Reports of committees and officers.
5. Unfinished business.
6. New business.
7. Delivery of addresses and reading of papers.
8. Adjournment.

ARTICLE IV—AMENDMENTS

The By-laws of the Society may be amended at any time by a majority vote of the members present.

NELSON ANTRIM CRAWFORD, JR.

THE STATE HISTORICAL SOCIETY OF IOWA

The Parvin Collection of Iowana has been deposited with the Society for permanent preservation. It includes many rare and valuable items.

Through a "want list" recently sent out by the Secretary many desirable volumes have been added to the Library, especially in the line of serial publications.

The biography of Associate Justice Samuel Freeman Miller was distributed in October, 1907. This is the second volume to appear in the Iowa Biographical Series.

In accordance with the regulations made by the Board of Curators, the Library is now open to the public daily in the morning from 8 to 12, in the afternoon from 1:30 to 5:30, and in the evening from 7 to 10 o'clock.

Mr. Rolfe Whitnell has been appointed to the position of General Assistant to succeed Mr. Dan E. Clark, who has been promoted to the position of Research Assistant.

Desks for the Research Assistants and reading tables have been placed in the new study room; while the office of the Society has been furnished with tables, chairs, desks, and a steel safe.

Mr. John C. Parish, Assistant Editor, was programmed for a paper on "The First Fugitive Slave Case West of the Mississippi River" at the Madison meeting of the American Historical Association.

The Society has recently acquired a collection of Nebraska materials numbering two hundred eighty-nine titles and consisting of State Publications. This enables the Society to make practically complete its sets of Nebraska *Laws* and Senate and House *Journals*.

*Proceedings of the Fiftieth Anniversary of the Constitution of Iowa* is a volume of over 400 pages recently published and distributed by the Society. It contains a detailed account of the Celebration which was held at Iowa City in March, 1907, along with all addresses and papers given on that occasion. The printing was done at The Torch Press, Cedar Rapids, Iowa.

Perhaps the most extensive collection of manuscript material thus far donated to the Society is the Letters and Papers of Governor Robert Lucas. These papers were first brought to light in connection with the preparation of the biography of Robert Lucas which has been issued in the *Iowa Biographical Series*. The entire collection was donated to the Society in December, 1907.

Since October 1, 1907, the following have been elected to membership in the Society: Mr. Dan Elbert Clark, Iowa City, Iowa; Dr. Charles Meyerholz, Emporia, Kansas; Mr. E. H. Downey, Iowa City, Iowa; Mr. Henry G. Walker, Iowa City, Iowa; Mr. J. A. Green, Stone City, Iowa; Mr. Henry J. Peterson, Eureka, Montana; Mrs. Maria Purdy Peck, Davenport, Iowa; Mr. Thomas Hedge, Burlington, Iowa; and Miss Laura P. Baldwin, Iowa City, Iowa.

## NOTES AND COMMENT

An elaborate history of the Mexican War is being prepared by Professor Justin H. Smith of Dartmouth College.

A recent book by Kinnie A. Ostewig, entitled *The Sage of Sinnissippi*, consists of a brief sketch of the life of Congressman Frank O. Lowden of Oregon, Illinois.

The Plymouth Congregational Church of Des Moines and the Congregational and Presbyterian Churches of Sioux City have recently held exercises commemorative of the fiftieth anniversary of their organization.

Professor Walter L. Fleming of Louisiana State University is engaged in writing a biography of Jefferson Davis. At the same time Dr. Dunbar Rowland, Director of the Department of Archives and History of the State of Mississippi, is collecting materials for the publication of the writings and speeches of Davis.

The preparation of a guide to the materials for American History in the Archives of Paris was begun in July by Mr. Waldo G. Leland of the Carnegie Institution of Washington. During his absence Dr. Marcus W. Jernegan, formerly of the University of Chicago, will be a member of the staff of the Department of Historical Research. Professor Herbert E. Bolton of the University of Texas is engaged upon a similar guide to the material in Mexico.

Mr. F. H. Garver, Research Assistant in The State Historical Society of Iowa, is engaged in the preparation of a bibliography of county histories of Iowa. He would be glad to receive information concerning the title, date of publication and publisher of any such works. In particular, information is desired in regard to the "Centennial" histories of the counties recommended by Governor Kirkwood in 1876. He can be addressed in care of The State Historical Society, Iowa City, Iowa.



On the occasion of the dedication of McLoughlin Institute at Oregon City, Oregon, October 6, many tributes were paid to the memory of Doctor John McLoughlin. Addresses were delivered by President W. D. Fenton, of the Oregon Historical Society, Joseph E. Hedges, representing Governor Chamberlain, and others; but the principal address was delivered by Frederick V. Holman, editor of a recent history of McLoughlin.

Mr. Irving B. Richman, member of The Board of Curators of The State Historical Society of Iowa and author of *Rhode Island, its Making and its Meaning* and other historical works is spending the winter in California. He is engaged in collecting material for a history of the State of California and is one of the first to make use of the very valuable historical collection of Hubert Bancroft, recently made accessible to the public through acquisition by the University of California.

At Muskogee, Oklahoma, on November 19, 1907, occurred the opening of the Trans-Mississippi Commercial Congress, and the discussion of water-ways, irrigation, conservation of forests, and kindred topics engrossed the attention of a large gathering. The chief address of the opening day was delivered by General John W. Noble, who was Secretary of the Interior under President Harrison and who took an important part in the opening of the Territory of Oklahoma. General Noble was a prominent Iowan in earlier years, practising law in Keokuk in partnership with Ralph P. Lowe, and serving with distinction in the War of the Rebellion. After the close of the War he moved to St. Louis.

The death of Frank W. Palmer on December 3, 1907, removes one of the most prominent men contributed by the State of Iowa to the service of the public. In 1858 he came to Iowa from New York as a young man and took an important place in the State for fifteen years. In 1860 he was elected State Printer and continued in office until 1869, publishing in the meantime the *Iowa State Register*. In 1868 he was called to serve the State in the lower house of Congress. Retiring from Congressional affairs in 1873, he published the *Chicago Inter Ocean* and was later editor of the *Chicago Herald*. He was Postmaster of Chicago from 1877 to 1885, and

was United States Government Printer from 1888 to 1894 and from 1897 to 1905. Highest integrity and ability have marked his entire public career.

The marking of historic sites is receiving attention in Illinois through the work of the various chapters of the Daughters of the American Revolution. One phase of the work is the movement for the preservation of Old Fort Massac in southern Illinois where the national flag was first unfurled in Illinois. The site has been purchased by the State for a National Park and placed in charge of the Daughters of the American Revolution of Illinois. Plans have been made for the erection of a suitable monument. Memorials have been placed to mark the first home of Abraham Lincoln in Illinois, the site of old Fort Armstrong on Rock Island, the graves of several Revolutionary soldiers and a number of other historic spots.

#### THE WORK OF PROFESSOR BOLTON IN MEXICO

Professor Herbert E. Bolton has been commissioned by the Department of Historical Research of the Carnegie Institution of Washington to prepare a "Guide to the Materials for the History of the United States contained in the Archives of Mexico", which is to appear as one of the series of guides to foreign archives, including those of France, Spain, Cuba, England, and the Vatican, projected by the Carnegie Institution of Washington. The appointment was made as a result of considerable familiarity with Mexican Archives gained by Professor Bolton during several summers spent in Mexico.

To perform this important task Professor Bolton has been granted leave of absence from the University of Texas, and he expects to remain in the Republic until next October. His plan is to include in the guide the most important public archives, both central and provincial, and such ecclesiastical collections as are valuable and accessible. This guide should be of special interest to students of Southwestern history, since, for geographical reasons, materials for Southwestern history are more abundant in Mexico than those for other parts of the United States.

## EPHRAIM ADAMS AND THE IOWA BAND

The Reverend Ephraim Adams died at Waterloo, Iowa, on the morning of November 30, 1907, in his ninetieth year. Sixty four years ago he came to the Territory of Iowa from New England with the "Iowa Band" of Congregational ministers. Eleven young men fresh from New England theological seminaries devoted their lives to the ministry in the Territory of Iowa, then the far western frontier. Nine came in 1843 and two more followed in the next year. Interwoven as were their lives with the early history of Iowa, strong in their influence on the growing Commonwealth, their service is worthy of more than the passing tribute of a prosperous people. Theirs were the years of struggle and hardship; of sacrifice and denial. On long circuits and in frontier towns they worked in the pioneer years of our history. They watched the population grow and institutions develop, and as their years lengthened they one by one gave way to the ultimate call. Reverend Ephraim Adams was the historian of the "Band" and in the pages of his *The Iowa Band* one finds their story, simply told, with extracts from a diary kept in the year 1844 by the writer. The death of Reverend Adams leaves but one survivor of the Iowa Band, Rev. William Salter of Burlington. To him Reverend Adams has given the cane which he has carried for a number of years and which had been the property of seven members of the "Band" before him. A pathetic incident of the funeral services, which occurred at Waterloo on December 3, was the tribute to Reverend Adams by the now sole survivor, Reverend Salter, in which he bade farewell, "a short farewell" to the friend he had known and loved for sixty-five years.

## A ROSTER OF IOWA SOLDIERS

The Thirty-second General Assembly of Iowa by an act approved April 9, 1907, provided for the publication by the State of complete rosters of Iowa soldiers enlisted for the Civil War and of other wars in which Iowa troops were engaged or for which they were organized. The necessity for this work grew out of the fact that the Adjutant General's *Reports* issued during the Civil War have long been out of print and have become very scarce. They

are also cumbrous and defective. Having been issued in yearly volumes, the original enlistments of regiments are in one volume, the recruits in another, re-enlistments in another, and casualties in another. Many errors in names and places of residence appear, which a recompilation, aided by more recent historical accessions and the memories of survivors, will largely eliminate.

The records of the Spanish-American and Philippine War soldiers, which will be brought by the new compilation into harmonious and accessible relations with their comrades of previous service, are now buried in the midst of a set of *Iowa Documents* and are unsatisfactory in detail.

The records of the part borne by Iowa in the Mexican War are obscure almost to the point of obliteration. Rosters of Iowa soldiers mustered into the service of the United States do not exist outside of the War Department at Washington, and are there guarded from access by rigid rules that require yards of "red tape" and an appropriation not previously available to break through. Then there were military companies to the number of a dozen or more, organized by the eager patriots of the young Territory, but whose services were not accepted, and it is the duty of the State that their devotion should be recognized, and their memory preserved.

The Territorial militia, promptly organized because every mile of the new territory was an exposed frontier, springing promptly to arms when a border dispute threatened the dire arbitrament of war, deserves recognition when Iowa's military history is told, and the names of the pioneers who were entrusted with commissions in its organization will form a record invaluable to those who in coming years can thus justify pride in an ancestry whose nobility was earned rather than created. Indeed, a prime value of the entire roster work will be the aid which it will afford to future genealogical research.

The official Board provided by the Roster Act consists of Governor A. B. Cummins, Attorney General H. W. Byers, Adjutant General W. H. Thrift, Curator Charles Aldrich (of the Historical Department of Iowa), and Colonel George W. Crosley of Webster City, who was named under the provisions of the act by the De-



partment Commander of the Grand Army of the Republic. Colonel Crosley is Secretary of the Board and will have principal charge of the historical part of the work. He attained the rank of Lieutenant Colonel of the Third Iowa Infantry in the Civil War. Curator Aldrich and General Thrift also served as soldiers in the Civil War.

The compilation of the Mexican War and Territorial Militia volume of the set has been assigned to Harvey Reid, of Maquoketa, a member of The State Historical Society, who is also a Civil War soldier, and who has, during several years of research, already collected much valuable material bearing upon this obscure portion of Iowa military history. The initial volume will also preserve a record of the terrible experiences of the Spirit Lake Massacre, and the heroic manhood and military spirit displayed by its rescue party.

## CONTRIBUTORS

LOUIS PELZER, Research Assistant in The State Historical Society of Iowa. Born near Atlantic, Iowa, 1879. Graduate of Iowa State Normal School in 1901. Principal of Schools, Shelby, Iowa, 1905-1907. Graduated from The State University of Iowa, 1907. Author of *The Negro and Slavery in Early Iowa*; also *The Origin and Organization of the Republican Party in Iowa*; and *The History and Principles of the Whigs of the Territory of Iowa*; and *The Election of Francis Gehon in 1839*.

DAN ELBERT CLARK, Research Assistant in The State Historical Society of Iowa. Scholar in History at The State University of Iowa. Born at Ogden, Iowa, July 25, 1883. Graduated from the Ogden High School in 1901. Graduated from The State University of Iowa in 1907. Author of *The Beginnings of Liquor Legislation in Iowa*, and *Judicial Districting in Iowa*.

JOHN CARL PARISH, Assistant Editor in The State Historical Society of Iowa. Member of the American Historical Association. Member of the American Political Science Association. Born at Des Moines, Iowa, 1881. Graduate from Iowa State Normal School, 1902. Taught in Winterset High School, 1902-1904. Graduated from The State University of Iowa, 1905. Received the degree of M. A. at The State University of Iowa, 1906. Author of *The Bribery of Alexander W. McGregor*; also *The Robert Lucas Journal*; and *Robert Lucas* (a biography).

JOSEPH W. RICH, Member of the Board of Curators of The State Historical Society of Iowa. Member of the American Economic Association. Member of the National Geographical Society. Born in New York, 1838. Editor of the *Vinton Eagle* for sixteen years. Regent of The State University of Iowa six years. Librarian of The State University of Iowa six years. Served in Company E of the 12th Iowa Infantry in the Civil War. Author of the *Evolution of the American System of Protective Tariffs*; and *The Hampton Roads Conference*; etc.



**THE IOWA JOURNAL OF HISTORY AND POLITICS**

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## THE HISTORY AND PRINCIPLES OF THE DEMOCRATIC PARTY OF IOWA 1846-1857

When the great pattern of our national history is spread before us we are impressed by its immensity, its extent, and its proportions. But the finer fabrics, the delicate colorings, and the variegated fibers that are woven and intermingled therein are revealed only through a closer and more detailed scrutiny of local history. A structural and perspective view of our national history must, therefore, encompass not only national events and characters but also the history of communities, sections, States, and Territories.

To the West especially must be accorded a transcendent influence in our national history and particularly in the development of American political institutions. It has furnished the frontier, and the reservoir for immigration; and it has served as the crucible for the transfusion of American political ideas. The populating and settling of the public lands of the West precipitated the issues of slavery. The admission of new States and the problems of their administration present a rich field of history, political thought and experimentation.

The West has long been setting the pace for the East. The great questions of the public domain, the tariff, and internal improvements have emanated largely from the West and have dominated the East. It was the Territory of Kansas rather than Virginia or the Carolinas that crystallized the true issue growing out of slavery.

It is in the West that the American unfettered by the colonialism and the traditions of the East developed his social and political institutions and his democracy. Bringing with him the germs of self-government, the instinct of politics, and the social experiences from other States, the Westerner subjected these to new experiences, readjustments, and to further development. Iowa, a typical western State, situated in the heart of the area of migration furnishes a rich field for the study of political and governmental institutions through the history of political parties. This field discloses the relation of the State to the Federal government, the problems of State administration, the expression of democracy through political parties, and it presents the tests and the defects of a code of fundamental law.

From the contests over the questions of Statehood and the adoption of the Constitution during the Territorial period party history in Iowa after 1847<sup>1</sup> becomes centered about the administration of the State government and in the readjustment of its relations to the Federal authority. An echo of the contest over the banking provision in the Constitution of 1846 is found in the hope of *The Bloomington Herald* that the great resources and the enterprise of the citizens of Iowa would offset the harm which this provision would produce.

"The disadvantages are felt and suffered by the west without its benefits or emoluments in any way", said this journal. "Our people should at once begin to act in reference to obtaining an amendment to the Constitution of Iowa at the earliest possible moment. To be subject to the uncertainties and fluctuations of an irrepressible paper sys-

<sup>1</sup> For *The History and Principles of the Democratic Party of the Territory of Iowa*, see THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 1, p. 3.

tem over which they cannot have any intimate acquaintance, is a provision for which Locofocoism is alone responsible, and should be held to strict accountability."<sup>2</sup>

By the general election on October 26, 1846, a full register of Democrats had been chosen to officer the new government; but they were less fortunate in the elections to the General Assembly, in the upper branch of which the Democrats had elected twelve members and the Whigs seven. Out of the thirty-nine Representatives the Whigs had secured a majority of one.<sup>3</sup> The meeting of the General Assembly on November 30, 1846, was the beginning of a history of State legislation, and of fierce party strife continually accelerated by the issues of slavery.

Two United States Senators and three Judges of the Supreme Court were to be chosen at this session of the General Assembly. At an early caucus the Democrats nominated Thomas S. Wilson and Augustus C. Dodge for Senators, and John F. Kinney, S. C. Hastings and George Greene for Judges of the Supreme Court. Thirty votes in the joint convention were required to elect, and both parties were organizing their forces with the hope of capturing these choice offices. The uncertainty of the votes of Senator Huner and Representatives Clifton and Conlee from Lee County gave an intense interest to the election and the hall of the House was crowded by people from all parts of the State when the joint convention of the two branches of the legislature assembled on December 18, 1846.<sup>4</sup>

On the first ballot Jonathan McCarty, the Whig candidate for United States Senator, received twenty-nine votes and Thomas S. Wilson, the Democratic nominee, twenty-eight votes. Senator Samuel Fullenwider, a stanch Whig,

<sup>2</sup> *The Bloomington Herald*, New Series, Vol. I, No. 24, October 30, 1846.

<sup>3</sup> *The Bloomington Herald*, New Series, Vol. I, No. 25, November 6, 1846.

<sup>4</sup> Gue's *History of Iowa*, Vol. I, p. 238.



had cast his vote for Gilbert C. R. Mitchell and thus defeated the election of McCarty.<sup>5</sup> After various dilatory motions by the Democrats the convention adjourned to reassemble on January 5, 1847.<sup>6</sup>

Fearing a Whig election if the convention again met, the Democratic majority in the Senate prevented a reassembling of the two houses in joint convention and on February 25, 1847, the General Assembly adjourned, leaving the State without United States Senators and Supreme Court Judges.

The embittered state of feeling between the two parties at the Capitol had led to the exposure of a bribery case which gives an unsavory background to this stormy session. Representative Nelson King, a Whig from Keokuk County, on December 9, 1846, had made a statement that he had been approached by several distinct persons who had offered him money and rewards if he would cast his vote for J. C. Hall or Augustus C. Dodge for United States Senator. Assurance was also given him that he would be secured from blame and suspicion by the obtainment of written instructions from his constituents as to how he should vote. One S. T. Marshall had given him a five dollar note with the remark that it was Dodge's money and that more would be forthcoming.<sup>7</sup>

A committee of seven<sup>8</sup> was at once appointed to conduct an investigation. Marshall appeared with counsel, and H. W. Starr was employed by the State. The testimony secured by the committee was rather long and complicated and showed that King had accepted from Marshall a five

<sup>5</sup> *Journal of the House of Representatives*, 1846-1847, p. 95.

<sup>6</sup> *Journal of the House of Representatives*, 1846-1847, pp. 96, 97, 98.

<sup>7</sup> *Journal of the House of Representatives*, 1846-1847, pp. 54, 55.

<sup>8</sup> W. J. Cochran, Andrew Leech, S. Whitmore, Alfred Hebard, Robert Smyth, Stewart Goodrell, John T. Morton.

dollar bill and two receipts cancelling two accounts against himself in order that he might "blow all such corruption out of existence".<sup>9</sup> The strong party spirit in the House prevented, however, a calm and judicial consideration of the findings of the committee and on the day of adjournment a resolution was adopted, by a vote of twenty-one to one, "That Samuel T. Marshall has been proven guilty of a contempt of this House in offering a bribe to one of its members and deserves its severest reprehension."<sup>10</sup> A motion to include the name of Nelson King in this resolution was defeated by a vote of ten to seventeen.<sup>11</sup> Representative King served the remainder of his term and seems then to have disappeared from public notice.

The General Assembly continued to furnish a turmoil of partisan politics. On January 8, 1847, on the anniversary of the Battle of New Orleans, a celebration attended by most of the Democratic members of the General Assembly was held in Iowa City. The resolutions prepared by Ver Planck Van Antwerp praised the administration of President Polk and again eulogized the military services and statesmanship of Andrew Jackson. A resolution denouncing the Whigs was merged with a condemnation of the Faneuil Hall speech of Webster.<sup>12</sup>

On the next day the Democrats in the Senate, by a vote of twelve to seven, forced the passage of a resolution justifying the war with Mexico and preferring the horrors of war to national disgrace and dishonor. "The ability and promptitude," ran the last resolution, "manifested by James K. Polk and his Cabinet in the prosecution of the existing war with the Mexican Republic, entitles them to

<sup>9</sup> *Journal of the House of Representatives*, 1846-1847, pp. 437-472.

<sup>10</sup> *Journal of the House of Representatives*, 1846-1847, p. 425.

<sup>11</sup> *Journal of the House of Representatives*, 1846-1847.

<sup>12</sup> *The Bloomington Herald*, New Series, Vol. I, No. 35, January 15, 1847.

the highest confidence and esteem of the people over whose destinies they have been called to preside.”<sup>13</sup>

Equally alert and prepared to proclaim their resolutions, the Whigs on the anniversary of Washington’s birthday held a meeting in the hall of the House at which Stephen Whicher presided. At this meeting the Locofocos were denounced for refusing to go into a joint convention in January and General Taylor was placed in nomination for President in 1848. “The Constitution of Iowa so far”, they made bold to declare, “has been a grand failure.”<sup>14</sup>

The two Congressmen who had been elected in 1846 would end their terms on March 4, 1847, on the expiration of the Twenty-ninth Congress. These two offices were to be filled at the August election in 1847. In the first district William Thompson was nominated. On June 6, 1847, at Bloomington, a Convention of Democrats placed Shepherd Leffler in nomination against Thomas McKnight, the Whig nominee of the second district. On June 11 the State Democratic Convention assembled at Iowa City to make nominations for three members of the Board of Public Works created by the legislative act of February 24, 1847.<sup>15</sup> The Convention nominated H. W. Sample of Lee County, Charles Corkery of Dubuque County, and Paul Brattain of Van Buren County, respectively, for the offices of President, Secretary, and Treasurer of the Board of Public Works.

“We indignantly repel”, said the first resolution, “the charge made by the Whig press and the Whig leaders, that the war [with Mexico] is one of conquest and aggression.” Confidence in the ability and statesmanlike qualities of

<sup>13</sup> *Journal of the Senate*, 1846-1847, pp. 84, 85.

<sup>14</sup> *The Bloomington Herald*, New Series, Vol. I, No. 41, February 26, 1847.

<sup>15</sup> *Laws of Iowa*, 1846-1847, p. 165.

President Polk was again expressed, and the thanks of the American people were bestowed upon Major Generals Scott and Taylor and upon their officers and men for their courage, bravery, and endurance. "We tender to President Polk and the Democratic members of Congress our thanks for the enactment of a tariff, which is likely to have the effect of causing foreign countries to still further abolish their restrictions upon American grain and American provisions."<sup>16</sup>

The campaign for the August election was short and uneventful. The Whigs prepared an array of arguments growing out of the war with Mexico: the acquisition of territory would accelerate the evils of slavery; the desire for conquest was a rock upon which freedom would be wrecked; there was an immense loss of life and talents and the country was adding millions to its national debt. The Democrats, however, elected the entire Board of Public Works by an average majority of over 1000 votes.<sup>17</sup> In the first Congressional district the Whig candidate for Congress was defeated by William Thompson by 544 votes, and in the second district Shepherd Leffler defeated Thomas McKnight by 286 votes.<sup>18</sup> "We have met the enemy and have a well grounded suspicion that *we are theirs*", remarked a Whig editor.<sup>19</sup>

At this election Josiah Kent, a Democrat, had been chosen to fill the vacancy caused by the death of Representative Reuben Conlee of Lee County. The Democrats of the General Assembly now felt confident that they had a majority on joint ballot and that they would be able to elect the United States Senators and the Supreme Court

<sup>16</sup> Fairall's *Manual of Iowa Politics*, pp. 19-21.

<sup>17</sup> Election returns found in the Archives at Des Moines.

<sup>18</sup> Election returns found in the Archives at Des Moines.

<sup>19</sup> *The Bloomington Herald*, New Series, Vol. II, No. 64, August 7, 1847.



Judges.<sup>20</sup> Accordingly, on December 3, 1847, Governor Ansel Briggs issued a call for a special session of the legislature to meet on January 3, 1848.<sup>21</sup>

In his message the Governor recommended that the legislature remedy the confusion arising from the passage of the law creating the office of Superintendent of Public Instruction, and that United States Senators and Supreme Court Judges be elected because war with Mexico existed and "the voice of Iowa, therefore, should be heard, and her true sentiments felt, in the Senate of the United States."<sup>22</sup>

By the Democratic press the names of Augustus C. Dodge, Ver Planck Van Antwerp, Judge Charles Mason, Stephen Hempstead, Thomas H. Benton, Jr., and others had in December been considered for the senatorships. The excitement and suspense in the legislature was of course over the election of the two Senators. The Whigs had learned that Representative John N. Kinsman, representing the counties of Jasper, Marion, Polk, and Dallas, had removed from his district and on the second day of the session they secured the appointment of a special committee to investigate his right to the seat. On the evidence gathered and presented by the committee the House on January 21, 1848, declared the seat vacant.<sup>23</sup>

Three days later the nineteen Democrats of the House drew up a vigorous protest denouncing the action of the House as "wholly unauthorized and illegal" which was entered upon the *Journal* of that body.<sup>24</sup> The Whig ma-

<sup>20</sup> Gue's *History of Iowa*, Vol. I, p. 245.

<sup>21</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 418.

<sup>22</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 370-378.

<sup>23</sup> *Journal of the House of Representatives*, (Extra Session), 1848, p. 159.

<sup>24</sup> *Journal of the House of Representatives*, (Extra Session), 1848, pp. 189-193.

jority of the House, copying in exact words the refusal of the Democratic majority of the Senate of the year previous, now refused to go into joint convention with the Senate, and so the main purpose for which the extra session had been convened was defeated and Iowa remained unrepresented in the upper branch of Congress.

A jubilant feeling prevailed among the Whig members that their parliamentary strategy had prevented the Democratic elections. On adjournment the thirty Democrats of the legislature issued an address to the people. They recited their nominations which had been made and bitterly assailed the tactics of the Whigs. In an undertone of bitter disappointment they rescinded their nominations in order that their successors might not be bound or embarrassed. "We have used every exertion, but the people will soon decide", they offered as a warning.<sup>25</sup>

Party history in 1848 is prolific in dramatic incidents, striking campaigns, numerous and exciting elections, and in political larceny. State officers were to be chosen, two Congressmen were to be elected, and the State of Iowa was to have its first participation in a presidential campaign and election. Both parties girded themselves early for a year of strenuous conventions, campaigns, and contests.

By the passage of the Act of January 24, 1847,<sup>26</sup> providing for the election of a Superintendent of Public Instruction a new chapter in the history of partisan politics begins. In February, 1847, the Whigs had accepted in nomination for this office James Harlan,<sup>27</sup> a brilliant young college graduate, who from this time on becomes the stormy petrel of Iowa politics. Three days later the Democratic

<sup>25</sup> *Weekly Miners' Express*, Vol. VII, No. 22, February 9, 1848.

<sup>26</sup> *Laws of Iowa, 1846-1847*, p. 131.

<sup>27</sup> *Autobiographical Manuscript of James Harlan*, pp. 342, 343.

Central Committee, at Iowa City, nominated Judge Charles Mason. The election was to be held on the first Monday in April and Harlan at once entered upon an aggressive campaign, while Judge Mason confident of election made little or no canvass. "I have neither time, taste nor capacity for mere oratorical display", he had said, "and to perambulate the State for the purpose of soliciting suffrages I shall never do while I can find any more creditable employment."<sup>28</sup>

For thirty-five days Harlan travelled over the State in a speech-making canvass from Keokuk to Davenport and from Fairfield to Iowa City. With persistent arguments he urged that neither Judge Mason's education as a West Point cadet, his career as a civil engineer, nor even his long and honorable judicial record would fit him for the arduous duties of Superintendent of Public Instruction. "And", thought Mr. Harlan, "the fact that he was educated at government expense and had ever since been on a government salary did not give him a claim over me who had paid my own education out of my own personal earnings."<sup>29</sup> To the surprise of every one except Harlan himself the returns showed that Judge Mason had been defeated by 413 votes.<sup>30</sup>

Smarting under the unexpected overthrow of their candidate the Democratic leaders now sought for a scheme for changing the result. For want of a better reason they hit on the pretext of denying the constitutionality of publishing and distributing the Act of January 24, 1847, by the Secretary of State, Elisha Cutler, Jr.

To successfully impeach the publishing and distribution of the law would be to render the law void and, conse-

<sup>28</sup> *Autobiographical Manuscript of James Harlan*, p. 358.

<sup>29</sup> *Autobiographical Manuscript of James Harlan*, pp. 360-362.

<sup>30</sup> Election returns as found in the Archives at Des Moines.

quently, the election extra-legal. The State Constitution contained the following provision: "No law of the General Assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this State, by authority. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State."<sup>31</sup> The Act of February 24, 1847, authorizing the election of a Superintendent of Public Instruction, School Fund Commissioners for the several counties, and Directors for each of the School Districts in the various counties did not contain any special provision in the body of the act itself for its publication in the newspapers. It directed simply that these elections should take place "on the first Monday of April next."<sup>32</sup>

Elisha Cutler, Jr., the Secretary of State, had caused the act to be published in two Iowa City newspapers and had also published the law on separate sheets over his own signature and distributed it in the several counties of the State. Local school officers had been nominated and elected and it was the popular as well as the official understanding that the law was to be in force on April 1, 1847.

Disappointment tinctured with malicious cunning now drove the Democratic politicians to the extreme of proclaiming that the law had really not gone into effect when the election was held and that the law would not, therefore, be in effect until April 1, 1848. The publication of the law in the newspapers and on separate sheets, they asserted, had been done without the authority of the legislature, and the act would not become operative until it should be printed and distributed with the session laws of the General Assembly. The election, therefore, would have

<sup>31</sup> *Constitution of 1846*, Article III, Section 27.

<sup>32</sup> *Autobiographical Manuscript of James Harlan*, pp. 381, 382.



to take place in April, 1848, and the election of April, 1847, was null and void!

Elisha Cutler, Jr. refused to issue a certificate of election to Harlan, but gave him a certified abstract of the returns of the election; and Harlan entered upon his duties. A writ of *quo warranto* was at once served upon him, but with the assistance of legal counsel he obtained time in which to prepare and make a defense.<sup>33</sup> He was now left in possession of the office and entered upon the discharge of his duties. Subsequently, the Governor, the General Assembly, and various government officials at Washington recognized him in his official capacity.<sup>34</sup>

Determined to win the election for this office in 1848, the Democrats, on February 22, 1848, nominated Senator Thomas H. Benton, Jr., a nephew of "Old Bullion".<sup>35</sup> Many Whig leaders opposed the nomination of a candidate for their party, declaring that it would tend to admit the illegality of the election of April 5, 1847, and of the tenure of office of James Harlan. Mr. Harlan, however, on his own responsibility and without the aid of party organization announced his candidacy and conducted his campaign. With the Democratic nominee he arranged for a series of joint debates and discussions. Travelling together and sharing common hardships and hospitalities, their friendly

<sup>33</sup> *Autobiographical Manuscript of James Harlan*, pp. 393-395.

<sup>34</sup> A few months later *quo warranto* proceedings were instituted in the district court of Johnson County against one Asa Calkin who had been elected a director in the first school district of Iowa City Township under the Act of February 24, 1847. He readily surrendered himself to the schemes of Democratic demagogues and a sham case was conducted in the district court resulting in the verdict that the Act of February 24, 1847, had not gone into effect in April, 1847, that the election in that month was null and void and that Asa Calkin should be ousted from office. The Supreme Court equally under the influence of the virus of partisan politics in July, 1847, affirmed the decision of the Johnson County court.—See 1 Greene 68.

<sup>35</sup> *The Bloomington Herald*, New Series, Vol. II, No. 93, February 26, 1848.

relations continued throughout the campaign. Fortunately Mr. Harlan has left a most interesting account of the anecdotes, travels, customs and campaign methods of Iowa sixty years ago.<sup>36</sup>

During the campaign the *Weekly Miners' Express* warned the Democrats that the Whigs were trying to propagate the heresy of "no party" upon the people, and urged the party to unite on Benton to overthrow the Whig candidate who was politically infected with the virus of "Abolitionism" and "Know-Nothingism."<sup>37</sup>

As prepared by Elisha Cutler, Jr., of the board of canvassers, the election of April 3, 1848, showed the following vote:<sup>38</sup>

Thomas H. Benton.....	9327
James Harlan .....	8112
James Harlin .....	452
James Harlen .....	340
James Harland .....	34
James Hartan .....	374
T. H. Benton .....	2
Samuel B. Howe .....	35
Scattering.....	1

Elisha Cutler, Jr., before the day set for the canvass (May 12, 1848) and without authority and contrary to the intent of the law, had opened the returns and sent some of them back to the voting precincts for correction. In Washington County the election clerks had accidentally crossed the "l" in the word "Harlan" and Cutler had credited the 374 votes from that county to James "Hartan". The returning board also credited Benton with 18 votes from Marion County in precincts which had no existence. In

<sup>36</sup> *Autobiographical Manuscript of James Harlan*, pp. 400-475.

<sup>37</sup> *Weekly Miners' Express*, Vol. VII, No. 29, March 29, 1848.

<sup>38</sup> Election returns as found in the Archives at Des Moines.

Jackson County Harlan was given 390 votes on the poll books while the abstract of the returning board gave him but 382.<sup>39</sup>

By the "Cutlerization" of the election returns, as the Whigs named these proceedings, James Harlan was entitled to only 8092 votes. "Thomas H. Benton" and "Thomas H. Benton, Jr." the board considered as one person, while with mock consistency in torturing the name of "Harlan" they decided that the two votes cast for T. H. Benton should not be counted for "Thomas H. Benton, Jr."!

A fair and judicial count should have given Harlan the election by a majority of nine votes. By consulting the above table again the conclusion is irresistible that the returning board by counting the illegal votes from Marion County, rejecting eight votes in Jackson County, and by splitting Harlan's vote by reason of errors and carelessness in orthography and penmanship on the part of voters and election officials, had committed a species of political piracy and given a blow to the educational welfare of the State.

Preparations for nominating candidates to be voted upon at the August election began early. In the first Congressional district the Democrats nominated William Thompson against Daniel F. Miller, a nomination that was the beginning of a long and bitter contest between these men. In the second district the record of Shepherd Leffler again won him the Democratic nomination. The Whigs nominated Timothy Davis.

The Whig State Convention of May 11, 1848, made the following nominations: for Secretary of State, J. M. Coleman of Johnson County; for Auditor, M. Mobley of Dubuque County; and for Treasurer, Robert Holmes of Linn

<sup>39</sup> *Autobiographical Manuscript of James Harlan*, pp. 480-510.

County. A long and wordy platform was adopted which regarded the election of President Polk as a sad mishap to the American government, declared in favor of the principle of the Wilmot Proviso, reviewed the national sins committed in engaging in a war with Mexico, and expressed a preference for General Taylor for President. The Whig members of the legislature were defended for not having gone into joint convention with the Democrats who were designated as a faction "held together by the coercive power of public plunder."<sup>40</sup>

Three weeks later, on June 1, 1848, the following nominations came from the Democratic State Convention at Iowa City: for Secretary of State, Josiah H. Bonney of Van Buren County; for Auditor, Joseph T. Fales of Linn County; and for Treasurer, Morgan Reno of Johnson County. The resolutions approved of a system of internal improvements and a United States Bank; the Abolitionists were denounced and Polk's administration was declared to be in conformity with great Democratic principles; they denied that Congress had any power to interfere with the domestic institutions of the States.

The severe assaults of the Whig newspapers upon the State Board of Canvassers for their conduct in the Harlan-Benton election called forth the following defense: "That we condemn in the strongest terms, the libellous charges of Whig journals, against His Excellency, Ansel Briggs, and Elisha Cutler, Jr., Secretary of State, relative to the discharge of their official duties in canvassing the returns of the late election for Superintendent of Public Instruction, as emanations of a corrupt press for the perversion of truth and the consummation of the worst political designs."

They hailed with joy the nominations of Lewis Cass and

<sup>40</sup> Fairall's *Manual of Iowa Politics*, pp. 21-25.



William O. Butler for President and Vice-President and determined to enter the campaign with a vigor that would show to the world that Iowa "is disenthralled from the pernicious influence of modern Whiggery."<sup>41</sup> A State Central Committee was appointed to organize and to conduct the campaign.<sup>42</sup>

A thorough and popular campaign was waged in July. Candidates were faithful upon the hustings; and meetings and organizations created and intensified the spirit of the campaign. In Lee County a great Democratic barbecue attended by 2500 or 3000 people was celebrated on July 31, 1848. Said a contemporary editor: "the speakers, Messrs. Hall, Dodge and Smith acquitted themselves well—not well, alone—but nobly, the girls danced nimbly, but little dissipation was observed, and all parted with the same good feeling with which they met."<sup>43</sup>

At the August election the entire Democratic State ticket was elected; the head of the ticket, Josiah H. Bonney, received a majority of 2212 votes. In the second Congressional district Shepherd Leffler was reëlected over Timothy Davis by 391 votes. In the official abstract of votes for the first district William Thompson received 6477 votes, Daniel F. Miller 6091, and Samuel L. Howe, the Free Soil candidate 310.<sup>44</sup> Out of the thirty-nine Representatives the Democrats had elected a majority of seventeen; while of the nineteen Senators they had captured eleven. In the second General Assembly, therefore, the Democrats had a clear majority of twenty on joint ballot.<sup>45</sup>

<sup>41</sup> *The Weekly Dispatch*, Vol. I, No. 5, June 22, 1848.

<sup>42</sup> G. Folsom, Curtis Bates, R. M. Secrest, George Paul, Elisha Cutler, Jr., James Clarke, William Hammond, William H. Merritt, and L. E. H. Houghton.

<sup>43</sup> *The Weekly Dispatch*, Vol. I, No. 11, August 3, 1848.

<sup>44</sup> Election returns as found in the Archives at Des Moines.

<sup>45</sup> *The Weekly Dispatch*, Vol. I, No. 13, August 19, 1848.

Meanwhile a war of conquest with Mexico had been concluded. The newspapers of the years 1847 and 1848 teem with accounts of the war; lists of dead and wounded are given in mournful statistics; stories of marches, sieges, and bravery upon the field are narrated; the military exploits of Taylor, Scott, and Wool are presented. Officers and men returning from the Mexican Capital give vivid accounts of Santa Anna and of the ancient palaces of the Montezumas. On the other hand, columns of speeches by Clay, Corwin, and Webster present a powerful array of arguments and invectives against the prosecution of this selfish war of conquest, and disclose its cost in blood, money, and national honor.

The fitful agitation of the slavery question in the United States was focalized by the Wilmot Proviso which forced a revelation and an admission of the irreconcilable differences between the North and those of the South. President Polk's unholy war with Mexico had been forced for the express purpose of gaining a vast territory for the slavocracy. This subtle scheme of war, conquest, and annexation had been unbared by Hosea Bigelow in the lines:

Ez fer Mexico, 'taint no great glory to lick it,  
But 't would be a darned shame to go pullin' o' triggers  
To extend the aree of abusin' the niggers.<sup>46</sup>

With the breaking out of the war had come a burst of militarism and a vigorous prosecution of the war. By the treaty of Guadalupe Hidalgo on February 2, 1848, the acquisition of the vast area of California and New Mexico had brought into existence the commanding issues of slavery extension—issues that were forcing a readjustment of political elements. On May 22, 1848, Senator Lewis Cass and William O. Butler had been nominated by the Demo-

<sup>46</sup> Lowell's *Bigelow Papers*.

crats for President and Vice President upon a platform agreeable to the South. The Whigs, casting aside Henry Clay, who had been the life and soul of the party, appropriated General Zachary Taylor, who, without political knowledge, experience, or creed, was nominated to repeat the "Star and Stripe" campaign of 1840. No mention was made in their platforms of the Wilmot Proviso, and the Free Soil Convention met at Buffalo to rebuke these nominations and platforms by declaring in favor of the Wilmot Proviso and sounding the cry of "Free Soil, Free Speech, Free Labor, and Free Men."

On November 7, 1848, was to occur the first presidential election in Iowa. Both parties were thoroughly organized and a rousing campaign was held. The Democratic Association of Dubuque, of which Stephen Hempstead was a member, met regularly over Terry's saloon;<sup>47</sup> barbecues and celebrations were held in October at which the presidential qualifications of Cass and Taylor were considered. In the same month an immense Democratic barbecue was held in Jefferson County. Banners of Cass and Butler floated about and a procession two miles long was formed in which were seventy carriages, a band and men and ladies on horseback. The dinner tables making a total length of 450 yards were loaded with the choice foods and products of Iowa. Lincoln Clark and Augustus C. Dodge, candidates for presidential electors, addressed the throng and presented the issues of the campaign, contrasting the military record and frontier life of General Taylor with the statesmanship of Lewis Cass.<sup>48</sup>

Gathering strength and numbers from the virility of the principle of the Wilmot Proviso and encouragement from the Buffalo Convention of June 22, 1848, the Free Soil ele-

<sup>47</sup> *Weekly Miners' Express*, Vol. VIII, No. 6, October 10, 1848.

<sup>48</sup> *The Weekly Dispatch*, Vol. I, No. 22, October 19, 1848.

ments in Iowa, variously called "Abolitionists", "Liberty Men", and "Barnburners", held a Convention at Iowa City in September, 1848. William Penn Clarke, Ver Planck Van Antwerp, William Miller, and J. H. Dayton were put in nomination for Van Buren or Free Soil electors.<sup>49</sup> Van Antwerp, however, in a published statement emphasized his allegiance to the Democratic party and refused the nomination. "We doubt if the Barnburners' ticket will get one hundred Democratic votes in Iowa", commented a Democratic editor.<sup>50</sup> Said another: "The Division and sub-division of the Whig party into Taylor men, Clay men, and Free Soilers, or Van Buren and Adams men, will result not only in their defeat, in the coming election, but in their entire overthrow and extinction, as a party."<sup>51</sup>

At the November election all the Democratic candidates for electors, A. C. Dodge, John J. Selman, Joseph Williams and Lincoln Clark were elected over the Whig nominees by average majorities of 1400 votes. Lewis Cass polled 12,093 votes, General Taylor, 11,144 and Van Buren, the Free Soil candidate 1126; while the average number of votes for the Free Soil candidates for elector was 1137.<sup>52</sup>

Out of the campaign and election of this year there grew the first contested election case from Iowa in Congress. This contest between William Thompson and Daniel F. Miller extending over nearly two years presents the most striking political event of the year 1848 and exhibits some of the Machiavellian campaign methods of sixty years ago. The prominence of the Iowa men concerned in the history

<sup>49</sup> *The Weekly Dispatch*, Vol. I, No. 22, October 19, 1848.

<sup>50</sup> H. D. La Cossitt in the *Iowa Democratic Enquirer*, Vol. I, No. 12, September 30, 1848.

<sup>51</sup> William Y. Lovell in the *Weekly Miners' Express*, Vol. VIII, No. 6, October 10, 1848.

<sup>52</sup> *The Davenport Gazette*, Vol. VIII, No. 14, December 14, 1848.



of this election case gives it additional importance in the political history of this year.

In the first Congressional district both parties felt that they had a fighting chance to elect a Congressman at the August election. The vote of a large Mormon settlement at Kaneshville (now Council Bluffs in the present county of Pottawattamie) was coveted by the Whig campaign managers, and about a month before the election an ingenious scheme to secure it was in motion. Fitz Henry Warren, the chairman of the Whig State Committee and Treasurer of the National Committee, conferred with William Pickett, the traveling agent of the *St. Louis Republican*, the leading Mormon paper in Missouri. Pickett at once secured from the county commissioners of Monroe County an order authorizing him to organize an election precinct at Kaneshville. For the expense in organizing this precinct Warren paid Pickett \$140.<sup>53</sup>

At about this time Orson Hyde one of the twelve Apostles of the Mormon church and leader of the Kaneshville colony wrote the following letter:

Burlington, Iowa, July 8, 1848.

Dear Friends and Brethren:—It has seemed good to me, your brother and companion in tribulation, and counsellor in the church of God, to advise and request you to cast your votes at the ensuing election for the whig candidates for office. This letter is placed in the hands of Col. F. H. Warren, who will give you or cause it to be done, all necessary information, how and where to act.

A due respect for our prosperity as a people and for the prosperity of the country at large, has influenced me to give you the above counsel; and with it I give you the assurance of my hearty good will, and an interest in my prayers that Heaven's blessings may rest upon you here, and that his glory may be your reward, where the "wicked cease from troubling, and the weary are at rest."

Your brother in Christ,

ORSON HYDE.<sup>54</sup>

<sup>53</sup> *The Weekly Dispatch*, Vol. I, No. 17, September 16, 1848.

<sup>54</sup> *The Weekly Dispatch*, Vol. I, No. 14, August 26, 1848.

Pickett lost no time in organizing the Kanesville precinct and conferring with A. W. Babitt, another of the Mormon Apostles. The results of the elections in the Kanesville precinct were somewhat astounding: for in the August election out of a total of 523 in the Kanesville precinct the Whig candidate for Congress received all but 30 votes.<sup>55</sup> At the November election the Kanesville precinct returned 391 votes for each of the Whig nominees for elector; while each Democratic nominee was given but 37 votes.<sup>56</sup>

When the poll-book containing the returns of the Kanesville election on August 7, 1848, was delivered to the clerk of Monroe County, he declined to receive it or to count the votes, and made his returns accordingly. After lying on the clerk's desk an hour or more—a perfect estray—it was found to be missing.<sup>57</sup>

As gathered from the fragmentary information concerning this offending poll-book the subsequent history is as follows:—Mr. J. C. Hall, who later was the attorney for William Thompson in the election contest, had travelled a hundred miles to advise the clerk of Monroe County not to receive the poll-book. After its disappearance Mr. J. C. Hall was told that the book had been placed in his valise; but he failed to make a search for it until he was a hundred miles from the county seat of Monroe County. The poll-book was as a matter of fact in the valise, and Mr. Hall delivered it to the Democratic contestant, William Thompson. During the election contest it was consulted freely by Thompson's attorneys, Judge Charles Mason and J. C. Hall, but appears never to have been given to the committee on elections of the House of Representatives.

<sup>55</sup> Election returns as found in the Archives at Des Moines.

<sup>56</sup> Election returns as found in the Archives at Des Moines.

<sup>57</sup> *Western Democrat and Common School Journal*, Vol. I, No. 17, March 8, 1850.

Daniel F. Miller, on December 31, 1849, filed a memorial contesting the election of William Thompson in August, 1848. For six months the contest dragged on, and the committee on elections conducted an exhaustive examination. A report was presented allowing the Kanesville vote, and the rejected votes in Appanoose and Mahaska counties but rejecting the alleged illegal votes for Miller in Dallas County. The committee thereby found that Thompson had received a majority of fifteen votes and resolved that he was entitled to the office of Representative from Iowa.<sup>58</sup>

A spirited debate greeted this report. Representatives Toombs of Georgia, William Strong of Pennsylvania, Edward W. McGaughey of Indiana, and Shepherd Leffler of Iowa reviewed the arguments and the history of this election. Mr. Leffler in a speech of considerable length argued the illegality of the Kanesville vote, declaring that the precinct was outside of the limits of Monroe County and maintaining that the Mormons were not legal voters according to the laws of Iowa. He maintained that they had no civil or political connection with the State of Iowa either in law or in fact. Mr. Thompson was therefore constitutionally entitled to his seat in Congress.<sup>59</sup> Two days later, on June 29, 1850, the House by a vote of 102 to 94 decided that the seat held by William Thompson was vacant.<sup>60</sup> A week later Daniel F. Miller informed his Iowa friends that "Congress has sent Thompson and myself back to run our election over."<sup>61</sup>

Governor Ansel Briggs in his first biennial message of December 5, 1848, again reminded the General Assembly of their duty to elect three judges of the Supreme Court and

<sup>58</sup> *Congressional Globe*, 1st Session 31st Congress, p. 1292.

<sup>59</sup> *Congressional Globe*, Appendix, 1st Session 31st Congress, pp. 819-822.

<sup>60</sup> *Journal of the House of Representatives*, 1st Session 31st Congress, p. 1063.

<sup>61</sup> *Muscatine Journal*, Vol. II, No. 6, July 6, 1850.

two United States Senators.<sup>62</sup> Two days later the two houses met in joint convention. The Democrats, having a clear majority of nineteen, secured all the offices. Augustus C. Dodge and George W. Jones were elected over William H. Wallace and Ralph P. Lowe, the Whig candidates, by nineteen votes. Joseph Williams was then elected Chief Justice and John F. Kinney and George Greene were chosen as Associate Justices.<sup>63</sup> Mr. Dodge drew the short term for Senator which was to expire on the 4th of March 1849. The Democrats, however, in the joint convention of January 10, 1849, reëlected him for the full term of six years.<sup>64</sup>

The Democratic party was now in the ascendancy both in the State and in the Congressional delegation. The nineteen Whig members of the legislature, hopelessly in the minority, issued a long address to the people, denouncing the Democratic majority. Pro-slavery Senators had been elected, and in refusing to instruct them to vote for the principle of the Wilmot Proviso, it had done violence to the will of the people. The session had been prolonged and laws demanded by the people had not been passed. The public money had been squandered and it had multiplied the hordes of office seekers.<sup>65</sup>

Elisha Cutler, Jr., the chairman of the Democratic State Central Committee, on March 29, 1849, issued a call for a State Convention at Iowa City on June 30, and urged for harmonious action "in this crisis".<sup>66</sup> On May 2, the Lee County Democrats chose their delegates and recommended

<sup>62</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 392.

<sup>63</sup> *Journal of the House of Representatives*, 1848-1849, pp. 28-32.

<sup>64</sup> *Journal of the House of Representatives*, 1848-1849, pp. 377, 378.

<sup>65</sup> *The Bloomington Herald*, New Series, Vol. IV, No. 16, February 20, 1849.

<sup>66</sup> *The Weekly Dispatch*, Vol. I, No. 44, April 19, 1849.



Thomas H. Benton, whose views on the Wilmot Proviso they adopted, for President in 1852.<sup>67</sup> Dubuque County sent nine delegates and instructed them to vote against the introduction in the Convention of any resolution indorsing the principle of the Proviso.<sup>68</sup>

Delegates from twenty counties assembled for the State Convention which chose J. C. Hall for President. A committee of five was appointed to draw up resolutions. William Sample of Lee County, Jesse Williams of Johnson County, and George Gillaspay of Marion County were nominated respectively for President, Secretary, and Treasurer of the Board of Public Works.<sup>69</sup>

A platform of denunciation was prepared. President Taylor, they declared, was disqualified for want of merit and fitness for the office of President, and the appointment of Fitz Henry Warren to be second assistant Postmaster General provoked their censure and condemnation. The final resolution read: "That inasmuch as the territories of New Mexico and California came to us free, and are free now, by law, it is our desire that they should remain forever free; but that until it is proposed to repeal the laws, making the country free, and to erect others in their stead for the extension of slavery, we deem it inexpedient and improper to add to the further distraction of the public mind by demanding, in the name of the Wilmot proviso what is already amply secured by the laws of the land."<sup>70</sup>

Delegate Van Antwerp, in opposition to this resolution, moved an amendment embodying Senator Benton's view of the Wilmot Proviso that "Congress has power to admit or prohibit slavery under the Constitution in the Territories

<sup>67</sup> *The Weekly Dispatch*, Vol. I, No. 51, June 7, 1849.

<sup>68</sup> *The Miners' Express*, Vol. VIII, No. 40, June 6, 1849.

<sup>69</sup> *The Miners' Express*, Vol. VIII, No. 45, July 11, 1849.

<sup>70</sup> *Iowa Democratic Enquirer*, Vol. I, No. 52, July 7, 1849.

of the United States but that the laws of New Mexico and California already excluded it." Similar amendments declaring a law of Congress unnecessary were proposed but all were either defeated or ruled out of order.<sup>71</sup>

On June 30, 1849, the Whig State Convention met. After eulogizing President Taylor, they demanded an amendment to the State Constitution and declared that the refusal of the Democratic party to instruct the Senators from Iowa to favor the Wilmot Proviso "should consign it to the perpetual condemnation of a free people." "We are opposed", continued the platform, "to the extension of slavery into territory now free, and . . . we believe it to be the duty of the federal government to relieve itself of that institution, wherever it has the constitutional power to do so."<sup>72</sup>

This was a year of decline and defeat for the Free Soil party, the vote of which fell from 1126 in 1848 to 577 in 1849. The fact that it nearly held the balance of power, its aggressive character, and its decentralizing effect upon the two great parties later give it an historical importance in tracing the career of the Democratic party in the early fifties. Lack of efficient organization and historic traditions as well as its relations with the Whigs were contributory to this decline which was always favorable to the Democrats.

*The Iowa True Democrat* of Mt. Pleasant under the editorship of Samuel L. Howe, was the organ of the party. It published the Free Soil platform adopted at Buffalo, and the speeches of Birney and Julian. Its virile discussions, which helped to win for the party the titles of "Abolitionists" and "Disunionists", presented the issues of the party in all their moral and political bearings.

<sup>71</sup> *Iowa Democratic Enquirer*, Vol. I, No. 52, July 7, 1849.

<sup>72</sup> *Muscatine Journal*, Vol. I, No. 9, July 7, 1849.

A full ticket was nominated in Henry County and a State Central Committee was appointed at the State Convention in June. Among the nominees of the Board of Public Works was William M. Allison whose nomination was afterward espoused by the Whig State Convention. The platform regarded both Senator Cass and President Taylor with his pro-slavery cabinet as antagonistic to human progress. The Democrats of the legislature were reprimanded for refusing to instruct the Iowa Senators to vote for the principle of the Wilmot Proviso. Equally severe was the censure placed upon the Hunker Democrats of Iowa for having called the Wilmot Proviso a "miserable abstraction".<sup>73</sup>

With fine moral enthusiasm for his principles and for his party a Free Soil editor wrote: "By the improper course of the Democratic party in the legislative acts of last winter, and in the recent State Convention, hundreds of honest-hearted, and sober-minded men have been thrown from the rank and file in a tangent, by the principle of repulsion.—Those persons, highly disaffected, know that the lofty aims and noble principles contained in the political chart of the Free Soil Men, are infinitely superior to the loaves and fishes of office, always seized by a few greedy cormorants; and are willing to enlist under the glorious banner of Free Democracy, and aid in the great conflict now raging between Right and Wrong,—humanity and slavery."<sup>74</sup>

The repellant forces within the Free Soil party scattered its voting strength into various party receptacles. Whig treachery, distaste over the nomination of Allison, and the moral effect of Free Soil decline in other States operated

<sup>73</sup> *Muscatine Journal*, Vol. I, No. 9, July 7, 1849.

<sup>74</sup> *The Iowa Freeman*, Vol. II, No. 12, July 10, 1849.

in this year to cause the election of the entire Democratic ticket.<sup>75</sup>

"We learned with surprise", ran a Free Soil editorial, "that some Free Soil men—hitherto above suspicion—in Mt. Pleasant and other places, have, like the dog, returned to their vomit, and not only voted, but electioneered for partisans controlled by General Taylor and his 300 slaves. If such men can reconcile this support of pro-slavery administration with their professions of regard for Human Freedom, we would like to see them do it. . . . But whether our principles triumph ere long, in the election of our men or not, they will gain the ascendancy in the political arena by forcing persons of all political complexion to espouse our cause and advocate our measures."<sup>76</sup>

Weary with the discussions of slavery both the North and the South had longed for a respite. But the event at Sutter's Mill in November 1848 had reopened the question with all its arguments, estranging debate, threats and ominous forebodings. By November 13, 1849, the gold-seekers had adopted a State Constitution prohibiting slavery, and when Congress met in December 1849, the question of admitting California as a State was paramount.

In Iowa in the year 1850 the "yellow mania" was raging with powerful effect. Ox-teams and caravans began their long and toilsome journey, passing through Council Bluffs and Fort Laramie, crossing the interminable plains, fording rivers and climbing chains of mountains to reach the precious sands of California. Farmers left their plows, the workman his tools and the professional man his desk to join the exodus to the West. Newspapers of the time con-

<sup>75</sup> Theodore Clark Smith's *The Liberty and Free Soil Parties*, p. 217.

<sup>76</sup> Quoted from the *Iowa Democrat* in the *Muscatine Journal*, Vol. I, No. 16, August 25, 1849.



tain diaries of the long journey thither; letters are printed from friends, fathers and sons in the far away region of gold. From San Francisco, Sacramento, and San Diego came news to Iowa relating stories of suffering and hardship, toil and adventure, fortune and fabulous wealth.

On March 30, 1850, the Democratic Central Committee issued the call for the State Convention which was to meet at Iowa City on June 12 to nominate State officers.<sup>77</sup> The counties were to be entitled to one delegate for every 100 votes and one additional delegate for a fraction over 50 of the 100 votes, as shown by the last election. The various counties again put in motion the various agencies of the political organization: the township committeeman called a caucus at which the Democratic voters chose delegates to the county convention; these delegates at this convention in turn chose the required number of delegates to represent the county in the State Convention. Township and school officers were nominated at the caucus and the county convention chose candidates for the various county officers besides formulating and adopting resolutions reflecting the politics of the party in the county.

In the first Congressional district Bernhart Henn was renominated by the Democrats. For the special election to fill the vacancy created by Congress in the Miller-Thompson election case, both men were again nominated by their respective parties. At the Congressional Convention of the second district in Cedar Rapids on June 5, 1850, delegates from seventeen counties were present. After several ballots the nomination finally fell to Lincoln Clark. In the opinion of the writers of the platform the worst expectations of the Whig administration had been realized. "We deprecate", said the platform, "as dangerous to the har-

<sup>77</sup> *Western Democrat and Common School Journal*, Vol. I, No. 22, April 12, 1850.

mony of the Union, and as an unwarrantable outrage upon the feelings of the people, the continued and prolonged excitement produced and kept up on the subject of slavery by designing demagogues in Congress and elsewhere, for selfish and interested motives."<sup>78</sup>

A week later the State Convention assembled. In the forenoon President Ansel Humphries of Muscatine County appointed the committees on credentials, organization and resolutions, after which the delegates adjourned for dinner. On the first ballot for Governor the vote stood: Ed. Johnson, twenty-nine; Stephen Hempstead, twenty-four; J. H. Bonney, twenty-four; Ver Planck Van Antwerp, sixteen; Enoch W. Eastman, eight; Curtis Bates, four; and J. C. Hall, two. After the ninth ballot Enos Lowe entered the contest but withdrew after the tenth ballot. Stephen Hempstead was then nominated by acclamation. George W. McCleary of Louisa County was nominated for Secretary of State; William Pattee of Lee County for Auditor; Israel Kister of Davis County for Treasurer; and George Gillaspie of Marion County for Treasurer of the Board of Public Works.

In the main the resolutions of the previous State Convention were adopted. "The administration of General Taylor, as far as it has proceeded upon its mission, has unblushingly falsified every promise and grossly violated every pledge given before the election by its nominal chief." He was charged with having played a game of deception and with having removed officials without reason and in direct violation to his professions. The Compromise Bill would, they believed, be hailed as a peace offering by a majority of the people. The platform further assured the voters that the Democrats were striving to preserve the Union by the principle of non-intervention.<sup>79</sup>

<sup>78</sup> *Miners' Express*, Vol. IX, No. 40, June 12, 1850.

<sup>79</sup> *Iowa Democratic Enquirer*, Vol. II, No. 51, June 27, 1850.

At the election on August 5, 1850, Stephen Hempstead received 13,486 votes, which was a majority of 2083 over James Thompson, the Whig candidate. William P. Clarke, the Free Soil candidate, polled 575 votes. George W. McCleary was elected Secretary of State over Isaac Cook by a majority of 2116 votes, while the rest of the Democratic ticket was elected by average majorities of 1650. In the first Congressional district 14,725 votes were cast, of which Bernhart Henn received 7437; George G. Wright, the Whig candidate 6985; George Shedd, the Free Soil candidate 301; and James Noster two. In the second district Lincoln Clark was elected over William H. Henderson (the Whig candidate receiving 4725 votes) by a majority of 1020. John H. Dayton, the Free Soil candidate, secured a vote of 107.

In the special election for Representative to Congress on September 24, 1850, Daniel F. Miller, Whig, was elected by a majority of 662 votes over William Thompson who received 4801.<sup>80</sup> To the General Assembly the Democrats had elected thirteen of the nineteen Senators and thirty-five out of the thirty-nine Representatives.<sup>81</sup>

The question of the admission of California as a State ushered in the golden age of American eloquence. Clay with his commanding leadership unfolded his plan for compromise appealing to the threatening sections for concord and concession. Calhoun's speech was his valedictory in the grim defense of a cause to which he had devoted the energy and the eloquence of his life. The famous Seventh of March Speech of Webster declaring that slavery was excluded from the Territories of New Mexico and Utah by the laws of nature and the ordinance of God filled the North with sorrow and disappointment, which was voiced in the lament and denunciation of Ichabod:

<sup>80</sup> Election returns as found in the Archives at Des Moines.

<sup>81</sup> Copied from the *Iowa Capital Reporter* in the *Burlington Weekly Telegraph*, Vol. I, No. 2, August 17, 1850.

Let not the land once proud of him  
 Insult him now,  
 Nor brand with deeper shame his dim,  
 Dishonored brow.

“The Constitution devotes the domain to union, to justice, to defense, to welfare, and to liberty”, Senator Seward had pleaded. “But there is a higher law than the Constitution, which regulates our authority over the domain and devotes it to the same noble purpose. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the universe.”<sup>82</sup>

Mingled in the bitterness, the hate, the threats and the transcendent eloquence of these discussions are heard the voices of Senators Augustus C. Dodge and George W. Jones proclaiming and defending the principles of the democracy. “Mr. President”, declared Senator Dodge, “if I know the sentiments of the State which I in part represent, and my own, I am quite certain that we are not fanatical on this vexed question of slavery; that we are not for infringing upon the rights of the people of any of the States. . . . Sir, I do not, I cannot regard the admission of California as a triumph over any section of the Union. Nor do I think it should be so esteemed by any one. Why, sir, upon almost every question of governmental policy—barring the question of slavery—which divides the people of this country, South Carolina and Iowa agree. We certainly do upon the great questions of tariff taxation, the currency and others. And so help me God, if the people of California had sent their constitution here without anything said in it about slavery, I should have voted for it, if it had been the last act of my life. I have ever believed

<sup>82</sup> Baker's *Seward's Works*, Vol. I, p. 74.



that they had the right to decide this question of slavery for themselves, and I believe they have decided it in accordance with the public and almost universal sentiment among them. Above all, I believe the men whom they have sent here will adhere to the compromises of the Constitution, and will vote so as to save the Union from the hand of incendiarianism.”<sup>83</sup>

Replying sharply to the speeches of Senators Seward and John P. Hale, he declared on May 28, 1850, that he would fight the “new-fledged doctrines” of these senators “here and everywhere else, as long as I have a voice or a vote”. The principle of the Wilmot Proviso he denounced as “the fell spirit of abolitionism” and the “terrific engine of demagogues”. Young and patriotic Iowa would never enlist under the free-soil hobby. “As for this compromise”, he said in closing, “I will vote for it because I wish to get the subject from before us. I am sick, sore, and tired of it”.<sup>84</sup> In August, he praised the courts and the juries of Iowa for their prompt execution of the fugitive slave law of 1793, declaring that its laws and conduct upon the subject spoke a language that could not be misunderstood.<sup>85</sup>

Senator Jones on July 19, 1850, presented to the Senate the resolutions of the Iowa Democratic Congressional Convention of June 5, and those of the Democratic State Convention of a week later. These he declared expressed the state of public feeling in Iowa. “In a large correspondence”, he confidently asserted, “I have received from my constituents and friends *not one* letter which takes ground against the compromise bill. All are anxious for its speedy passage—no one doubting, if it should become a law, that it will settle this negro question, or at least until another

<sup>83</sup> *Congressional Globe*, Part I, 1st Session 31st Congress, 1848-1849, p. 406.

<sup>84</sup> *Congressional Globe*, Part II, 1st Session 31st Congress, 1848-1849, p. 1085.

<sup>85</sup> *Congressional Globe*, Appendix, Part II, 1st Session 31st Congress, p. 1623.

## THE EARLY DEMOCRATIC PARTY OF IOWA 195

addition of territory is acquired, which no one now anticipates.”<sup>86</sup>

A period of political subsidence and quiet followed the stormy debates of the year 1850. A brief agitation by the Whigs for the amendment of the banking clause in the Constitution took place in this year. Governor Hempstead, however, in his inaugural address of December 4, 1850, had declared that “With no banks among us to create distress or panic by their failures, contractions, and expansions, with but few corporations except those formed under general laws, our citizens relying on their own industry and frugality, are advancing steadily to competence and wealth, showing to the world that bank indulgences, paper money, and special privileges, are unnecessary to secure to a people happiness and prosperity.”<sup>87</sup>

Responding to a call by the Democratic State Central Committee the Democratic State Convention met at Iowa City on February 21, 1851.<sup>88</sup> No resolutions were adopted and the nomination for Superintendent of Public Instruction again fell to Thomas H. Benton, Jr.<sup>89</sup> The Whigs held no State Convention, but generally supported William G. Woodward for this office.

The brief campaign was marked by the criticism of the administration of Superintendent Benton by the Whig press. It charged that he had neglected the duties of his office in attending to his own private business affairs. School money had been loaned without proper sanction of law, it was charged, and he had failed to attend the National

<sup>86</sup> *Congressional Globe*, Appendix, Part II, 1st Session 31st Congress, p. 1716.

<sup>87</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 426.

<sup>88</sup> *Western Democrat*, Vol. II, No. 9, January 22, 1851.

<sup>89</sup> Fairall's *Manual of Iowa Politics*, p. 32.

Common School Convention. At the election of April 7, 1851, Benton was duly and legally elected by a majority of 1351 votes out of a total vote of 19,355.<sup>90</sup>

The Whig State Convention at Iowa City on February 26, 1852, marked the first event of a year full of conventions, candidates, and campaigns. Nominations for Secretary of State, Auditor, Treasurer, and four presidential electors were made. In the resolutions they regarded the compromise of 1850 as a settlement of the slavery question "now and forever." Full confidence was expressed in President Fillmore and they urged their candidates in every part of the State to present the issue of a convention to revise the Constitution distinctly and strongly before the people.<sup>91</sup>

On May 28, 1852, the followers of the Democracy assembled in State Convention. William Thompson of Henry County was chosen president, and the following ticket was nominated: for Secretary of State, George W. McCleary; for Auditor, William Pattee; for Treasurer, Martin L. Morris; for presidential electors, W. E. Leffingwell, G. H. Williams, Augustus Hall, and J. E. Fletcher. P. B. Bradley, W. F. Coolbaugh, S. S. Carpenter, and George Gillaspie were elected as delegates to the Democratic National Convention at Baltimore on June 1, 1852.

"The Union now and forever" they regarded as paramount to all questions of party. Reaffirming their faith in a strict construction of the Constitution of the United States, they recognized the doctrines of the Virginia and Kentucky Resolutions of 1798 and 1799 and the Baltimore platform of 1844. They expressed opposition to a national

<sup>90</sup> *Des Moines Valley Whig*, Vol. V, No. 38, May 29, 1851.

<sup>91</sup> *The Western American*, Vol. III, No. 24, March 6, 1852.

bank, a protective tariff and faith in the independent treasury and the tariff of 1846 and denounced nullification and Americanism.

Slanting at General Winfield Scott who was being discussed as a Whig candidate for the Presidency they resolved: "That we are opposed to the nomination of a candidate for the Presidency upon the naked idea of availability, but are in favor of a candidate whose principles are known to be national and in conformity to the time-honored tenets of the Democratic party."<sup>92</sup>

Lincoln Clark was again nominated for Congress at the Democratic Congressional Convention of the second district at Muscatine on June 30, 1852. Nine counties sent delegates, and S. D. Matson was chosen president of the Convention. Full confidence was expressed in Franklin Pierce and William R. King—the Democratic nominees of the Baltimore Convention.<sup>93</sup>

At the election of August 2, 1852, the Democratic candidate for Secretary of State, George W. McCleary, received 16,884 votes which was a majority of 1857; William Pattee was elected by a majority of 2030 votes and Martin L. Morris defeated the Whig candidate, Hosea B. Horn, for Treasurer by 1841 votes.<sup>94</sup>

In the second Congressional district the returns gave John P. Cook, the Whig candidate for Congressman 7777 votes; Lincoln Clark, Democrat, 7114; and William Penn Clarke, Free Soil, 135. In the first district Bernhart Henn defeated Philip Viele, the Whig candidate, by a majority of 1603 votes; and the Free Soil candidate, John S. Stephenson, was given 253.<sup>95</sup> Of the thirty-one senators of the

<sup>92</sup> *Western Democrat*, Vol. III, No. 24, May 12, 1852.

<sup>93</sup> *The Western American*, Vol. III, No. 33, July 14, 1852.

<sup>94</sup> *Iowa State Gazette*, Vol. XVI, No. 10, September 8, 1852.

<sup>95</sup> Election returns as found in the Archives at Des Moines.



legislature the Democrats had elected all but eleven; and of the sixty-three Representatives they had elected forty. On joint ballot, therefore, the Democrats had a majority of twenty-six.<sup>96</sup>

But little vigor developed in the Presidential campaign of this year. Both national platforms recognized the slavery question as settled by the compromises of 1850. Tariff discussions met with but little response by way of interest and attention, and so the campaign degenerated into personal detraction of the candidates. The character and fitness of Pierce was dwelt upon by the Whigs while in turn the Democrats brought charges of Nativism and Free-Soilism against the old Chief of Lundy's Lane.

Burlington, however, was the host of a great Democratic mass meeting and rally on October 4. In spite of the gloomy weather, bad roads, rains, and the consequent rise in the Mississippi River about 5000 people were present. An immense bonfire of barrels and boxes was built in the streets. Joseph Williams of Muscatine was president of the meeting and introduced Lincoln Clark who spoke for two hours to the populace gathered in the main street in front of Coolbaugh's store. Senator Stephen A. Douglas of Illinois followed in a brilliant speech of three hours' length. Senator Augustus C. Dodge also discussed the issues of the campaign and several speeches in German were delivered to the large number of German citizens present at the rally. Senator George W. Jones and scores of other prominent Democratic politicians participated in the festivities of the day.

In the evening a large number of guests sat down to a supper prepared by the city Council Chamber. Speeches and toasts "together with a sprinkling of something more substantial" were upon the Democratic menu. Good feel-

<sup>96</sup> *Iowa State Gazette*, Vol. XVI, No. 10, September 8, 1852.

ing prevailed and the speeches contrasted the public services of Franklin Pierce with the military pomp of General Scott.<sup>97</sup>

The presidential election of 1852 witnessed the death blow to the Whig party and the last national contest in which it participated. The unreserved endorsement of the compromise measures by the Democrats resulted in the overwhelming defeat of General Scott who carried but four States. In Iowa four Democratic electors were chosen over the Whig candidates by majorities of nearly 2000. The average number of votes cast for the Free Soil candidates was 1608.<sup>98</sup>

An upheaval of temperance agitation took place in Iowa during the years 1852 and 1853. In the two years previous scores of petitions for the restriction of the liquor traffic were presented to the General Assembly of Iowa; the enactment of the stringent Maine Law through the efforts of General Neal Dow on June 2, 1851, and the agitation for similar laws in the eastern States,<sup>99</sup> were an effect of a temperance wave that stirred the moral and political forces in Iowa.

To the German-Democratic citizens the temperance zealots were especially distasteful. On February 18, 1852, the first anti-temperance meeting in the State was held at Davenport at which speeches and resolutions were passed taking strong ground against the prohibition movement.<sup>100</sup> Three days later the incisive pen of Th. Guelich, the leading German-Democratic editor of the State, wrote:

Menschliche Tugenden wurden wahrscheinlich noch nie durch Gesetzlerlasse erzwungen, wenigstens liegen dafür keine geschichtlich-

<sup>97</sup> *Iowa State Gazette*, Vol. XVI, No. 14, October 6, 1852.

<sup>98</sup> Election returns as found in the Archives at Des Moines.

<sup>99</sup> Wines and Koren's *The Liquor Problem*, p. 25.

<sup>100</sup> Eiboek's *Die Deutschen von Iowa*, p. 122.

en Beweise vor. Niemand läugnet den Misbrauch, welcher mit be-  
rauschenden Getränken getrieben wird, und Jedermann bedauert  
die traurigen Folgen, welche diesem Misbrauche nur zu oft ents-  
pringen; aber die Reform liegt nicht in Straf-und Verbotsgesetzen,  
sondern im moralischen Bewusstsein des Menschen. Wo dieses  
fehlt, da suche man es zu wecken.

Das Maine-Gesetz enthält die absurdsten Verordnungen und ist  
eine despotische Beeinträchtigung der natürlichen Menschenrechte.  
Unsere Gesetzgeber mögen sich wohl bedenken, ehe sie aus dem  
Kreise ihrer Befugnisse hesaus treten, und um der misverstand-  
enen Philanthropic eifriger Reforms zu huldigen, durch Genehmig-  
ung des Maine-Gesetzes den bösen Leidenschaften eine neue Arena  
zu öffnen.<sup>101</sup>

From the Democrats came the charge that the Whigs  
were attempting to force the issue of temperance into poli-  
tics. A peppery newspaper war was carried on in Daven-  
port and the Maine Law was held up in all its merits and  
its despotic provisions. Governor Hempstead in his first  
biennial message of December 7, 1852, had pointed out the  
defects of the existing liquor laws of Iowa and had recom-  
mended a "judicious license system".<sup>102</sup> On February 22  
of the next year a meeting of Free Soilers met at Wash-  
ington, Iowa, under the name of the "Free Democratic  
Association". Under the leadership of Samuel L. Howe

<sup>101</sup> "Human virtues have perhaps never yet been secured through legal man-  
dates, at least there are no historic examples for it. Nobody denies the misuse  
which is carried on in intoxicating liquors, and everybody laments the evil con-  
sequences which only too often flow from this improper use: but reform does  
not consist in penal and prohibitory laws, but in the moral consciousness of  
man. Where this consciousness is lacking, it is in vain to seek to rouse it.

"The Maine Law contains the most absurd provisions and is a despotic cur-  
tailment of the natural rights of man. Our legislators can well consider, be-  
fore they step beyond the scope of their instructions and open a new arena to  
the harmful agitations in order to obey the mistaken philanthropy of zealous  
reforms through the sanction of the Maine Law."—Translation from *Der*  
*Demokrat*, Vol. I, No. 15, February 21, 1852.

<sup>102</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol.  
I, p. 439.

resolutions were prepared and a strong endorsement of the Maine Law was voted.<sup>103</sup> These events and utterances suggest the strength of the political phase of an issue which has continued down to the present day.

An issue that for its persistence was second only to that of the question of slavery was the demand for the revision of the Constitution so as to permit the establishment of banks. The commercial channels of Iowa were impeded by the financial refuse from other States; and the Whigs pointed to the superior laws in the other States and to the commercial embarrassments resulting from the anti-bank clause.

"Just so long as Iowa forbids banks", complained the *Fairfield Ledger*, "just so long will we be subject to the shaving and swindling of persons, resident of other States, and we will be compelled as upon the present occasion, to take the issue of Tom, Dick and Harry without a why or a wherefore, as par currency....The thing is palpable and the results are such that every man cannot help but see that under a well regulated policy of our own, currency would become more uniform, and consequently much safer, and besides, we would not be subjected to the shave and swindle of every wildcat speculation of other States, interest would become lower and every branch of industry would receive an impetus."<sup>104</sup>

Alfred Sanders, the editor of *The Davenport Gazette*, also had condemned the Locos for not establishing banks in Iowa. "We call upon the Locos as constituting a majority of the people of Iowa, either to rid us of the individual responsibilities and irredeemable trash of other States and give us that superabundance of gold and silver long promised, or confer upon us a free banking system, similar

<sup>103</sup> *Der Demokrat*, Vol. II, No. 20, March 26, 1853.

<sup>104</sup> *Fairfield Ledger*, Vol. III, No. 4, January 6, 1853.



to that which their brethren of Illinois upon mature deliberation have adopted.”<sup>105</sup>

To the Whig arguments that banks would stimulate population and immigration to Iowa Th. Guelich of *Der Demokrat* retorted:

Aber wie in aller Welt stimmt denn dies mit dem Census-Berichte überein, nach welchem sich die Bevölkerung dieses dem Verderben geweihten Iowa in 10 Jahren um 345 p. Ct. vermehrt hat, wie mit dem Faktum, dass Amerikaner aller Staaten, trotz des himmelschreinenden Steuersystems, trotz des Bankverbots, . . . hierher siedeln?

In wie fern würde das Volk besser, weiser und glücklicher sein mit Banken, als ohne dieselben? Empfängt nicht der Kaufmann einen guten Preis für seine Waaren, der Farmer für seine Produkte, der Handwerker für seine Arbeit? . . . Angenommen eine Bank würde errichtet, wem würde ihre papierenen Versprechungen zu Gebote stehen? Würden unsere Maurer, unsere Zimmerleute, unsere Schmiede von ihr begünstigt sein? . . . Die Geschichte der Banken beweist das Gegentheil.<sup>106</sup>

Governor Stephen Hempstead in his first biennial message of December 7, 1852, also opposed any change in the fundamental law and asked: “What is to be gained by the great body of the people of this State by the creation of banks among us and the substitution of a paper currency

<sup>105</sup> *The Davenport Gazette*, Vol. XI, No. 37, May 26, 1852.

<sup>106</sup> “But how in all the world does this accord with the census bulletin, according to which the population of Iowa doomed [by the Whigs] to deterioration has increased 345 per cent in ten years, how according to the fact that Americans from all States, in spite of the most atrocious system of taxation, in spite of the anti-bank law, . . . emigrate hither?

“How far would the people be better, wiser and happier with banks than without them? Does not the tradesman receive a good price for his wares, the farmer for his products, the craftsman for his works? . . . Granted that a bank were established, at whose command would its paper promises stand? Would our masons, our carpenters, our smiths be benefited by it? . . . The history of banks proves the contrary.”—Translation from *Der Demokrat*, Vol. I, No. 24, April 24, 1852.

the inevitable tendency of which will be to drive the specie from circulation?"<sup>107</sup>

In January, 1853, however, the General Assembly passed an act submitting to the people the question of a convention to amend the Constitution. On January 18 Governor Hempstead vetoed the bill on the ground that it was not in accordance with the spirit and intention of the Constitution.<sup>108</sup> Having recast the act in accordance with the Governor's views the legislature again passed the measure. On January 24, 1853, it met the same fate as its predecessor, the Governor stating his belief that "the constitution is satisfactory to a majority of the people of this State, and that they have not desired the question of its amendment to be thrust upon them."<sup>109</sup>

Iowa City again was the meeting place of the Democratic State Convention on February 25, 1853. The platform congratulated the Democracy upon the election of Franklin Pierce and William R. King, demanded a more liberal system of disposing of the public lands, and committed the Democracy of this State to the "known and long established doctrines of the party relative to the currency". Four resolutions were devoted in praise of the services of Ver Planck Van Antwerp as Commisisoner of the Des Moines River Improvement.<sup>110</sup>

David C. Cloud of Muscatine County was nominated for Attorney General.<sup>111</sup> The Whigs held no Convention and

<sup>107</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 446, 447.

<sup>108</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 475, 476.

<sup>109</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 476-478.

<sup>110</sup> Fairall's *Manual of Iowa Politics*, pp. 34, 35.

<sup>111</sup> The office of Attorney-General was established January 24, 1853. *Laws of Iowa, 1852-1853*, p. 186.

made no formal nomination for this office but generally supported S. A. Rice of Mahaska County. The returns showed that 21,364 votes were cast and that Cloud had been elected by a majority of 7564 over the Whig candidate.<sup>112</sup>

Assembled again at Iowa City on January 9, 1854, just after the anniversary of the battle of New Orleans, the State Democratic Convention inaugurated the political activity for the year 1854. Curtis Bates of Polk County was nominated for Governor on the fifth ballot, and the remainder of the ticket nominated was as follows: for Secretary of State, George W. McCleary of Louisa County; for Auditor, Joseph L. Sharp of Mills County; for Treasurer, Martin L. Morris of Polk County; for Attorney General, David C. Cloud of Muscatine County; and for Superintendent of Public Instruction, James D. Eads. A Central Committee of nine was chosen to organize and manage the campaign.

In the platform consisting of nine resolutions no definite policies were advocated. The platform of the National Convention at Baltimore was reaffirmed, the integrity and patriotism of President Pierce was lauded, and union, harmony, concession, and compromise they recommended as a nucleus for universal observance. The speedy organization of Nebraska as a Territory they regarded as a highly important object.<sup>113</sup>

From the political peace and repose for which Henry Clay had pleaded, for which the country had prayed, and which had been unbroken for over two years an event broke forth that portended fierce storms in the political horizon and a sinister fate for the Democratic party of Iowa. This was the Nebraska bill and the report of Senator Douglas's of January 4, 1854, repealing the Missouri

<sup>112</sup> Fairall's *Manual of Iowa Politics*, p. 35.

<sup>113</sup> *Des Moines Valley Whig*, Vol. VIII, No. 20, January 19, 1854.

Compromise and proclaiming the doctrine of squatter sovereignty.

Inspired by the masterly defense of Senator Douglas and provoked by the arguments of Senators Chase, Seward, Sumner, and Wade against the bill, the Democrats of Iowa at once felt the transcendent moral forces that had been aroused by the doctrines of Douglas. Slavery, it was urged, should be kept out of Iowa if possible; but the State had no right to force its sentiments upon Territories. To make the acts of one Congress binding upon its successors for all eternity was pronounced as all wrong and as an outrage upon all free institutions.<sup>114</sup>

"With the question of slavery, in its practical bearings", maintained a Democratic editor, "we have, in this State, fortunately nothing to do; we are all agreed that in the abstract it is an evil; and are disposed to thank God that it is an evil far removed from our doors; but with our neighboring States we have no right to interfere; they are by the Constitution as free as we are; all attempts to stir up ill feeling against them and promote sectional strife, while they observe the common bond, are wicked, anti-christian and unconstitutional; it should be frowned down by every patriot; then let this incestuous union between the whigs and abolitionists be denounced by every honest man; and may it lead, as it ought, to nothing but defeat and disgrace."<sup>115</sup> The anti-Nebraska movement of other elements was also branded in Democratic editorials.

Th. Guelich, the brilliant and incisive editor of *Der Demokrat*, took another view. The Douglas bill was branded as a despicable treachery. "Pierce proposes and Douglas disposes", he commented. Pierce was severely censured for not redeeming his pledges to maintain the political peace

<sup>114</sup> *Iowa State Gazette*, Vol. XVII, No. 33, February 15, 1854.

<sup>115</sup> *Iowa State Gazette*, Vol. XVII, No. 35, March 1, 1854.



and quiet of the country. It was hoped, too, that the House would modify the Nebraska bill of the Senate.<sup>116</sup>

Ten days before the Kansas-Nebraska Bill became a law *Der Demokrat* declared that the measure had struck like a storm into the slavery poisoned atmosphere and hoped that the measure would clear without destroying. New ground was taken that the parties were dissolving; "it is no longer denied that only the interests of office and spoil are holding together the old parties, that the fundamental difference between them has disappeared, and that new parties must arise issues of the day. And the question is no longer Whether? but How?"<sup>117</sup>

While the halls of Congress were ringing with the eloquence of Seward, Douglas, Chase, Cass, and Sumner, the Whig State Convention of Iowa met on February 22, 1854. The resolutions recognized the binding force of the Compromise of 1820. Emphatic and unqualified protest was made against the doctrine of Senator Douglas which was denounced as "a proposition unreasonable and absurd on its face, conceived in bad faith and prompted by an ignoble and most unworthy ambition for party and personal political preferment." For Governor they nominated a man who was as outspoken as his friend Senator Chase against the aggressions of the slavocracy—James W. Grimes of Burlington.<sup>118</sup>

In the United States Senate three days later Senator Dodge of Iowa delivered a speech in favor the Nebraska and Kansas Bill. His experience in the organization of Territories and States enabled him to contribute strong arguments in support of the bill. The Free Soilers and Abolitionists were severely denounced and Senators Chase, Sumner, and Seward were especially held up to criticism for

<sup>116</sup> *Der Demokrat*, Vol. III, No. 24, April 22, 1854.

<sup>117</sup> *Der Demokrat*, Vol. III, No. 28, May 20, 1854.

<sup>118</sup> Fairall's *Manual of Iowa Politics*, p. 37.

their speeches on the bill which he deemed "the noblest tribute which has ever yet been offered by the Congress of the United States to the sovereignty of the people."

"Mr. President," urged the Senator, "the passage of the bill before us will, in my judgment, confer great benefits on the nation, the West, and especially upon the State which I in part represent. The settlement and occupation of Nebraska will accomplish for us what the acquisition and peopling of Iowa did for Illinois. . . . Iowa is the only free State which never for a moment gave way to the 'Wilmot proviso'. My colleague, [Geo. W. Jones] who never dodges a responsibility, or fails to perform a duty, voted for every one of the compromise measures in all their phases, stages, and conditions, including the fugitive slave law—the late Senator Sturgeon, of Pennsylvania, and ourselves, being the only three Senators from the non-slaveholding section of this Union who voted for it. Since then, my colleague has been returned to this body without any objection, so far as I have ever heard, from either Democrat or Whig, on account of his votes to which I have referred."

"I have ever felt proud", continued Senator Dodge, "of the position the gallant young State which I in part represent has occupied on the slavery question. She left her Senators untrammelled with instructions, during the memorable and exciting occasion to which I have alluded, free to act as in their judgment the best interests of the country demanded."<sup>119</sup> It is interesting to note that on the final vote on the bill on March 3, 1854, Senator A. C. Dodge voted for the bill while his father Senator Henry Dodge of Wisconsin voted with Senators Sumner, Seward and Chase against it.<sup>120</sup> Senator George W. Jones of Iowa

<sup>119</sup> *Congressional Globe*, Appendix, 1st Session 33rd Congress, Vol. XXIX, pp. 375-383.

<sup>120</sup> *Congressional Globe*, 1st Session 33rd Congress, Part I, p. 532.

always ready to follow his more able colleague voted with Senators Badger, Douglas, and Cass.

Congressman John P. Cook on May 16, 1854, stated his objections to the bill. Eulogizing President Fillmore for his policy of pacification and adherence to the compromise measures he said: "I do not believe that my colleagues represent the sentiments of Iowa when they consent to the renewed agitation of those 'dangerous and exciting subjects' which were embraced in the final adjustment contemplated by the measures to which I refer—measures which my colleagues in the other end of the Capitol gave a hearty support, and received the approbation of our people for so doing."<sup>121</sup>

Four days later his colleague in the House, Bernhart Henn, spoke in favor of the bill, dwelling upon the influence of the organization of the two Territories upon the character of the great West. He strongly defended the principles of self-government and non-intervention by Congress and dwelt upon the physical features, the political past and future, and the commercial importance of the region lying in the valleys of the Kansas and the Platte. Replying to his colleague he denounced the Abolition tendencies of the Whigs of Iowa whose nominee for Governor [James W. Grimes] had been indorsed by the Abolition Convention. "I tell my colleague that the Democracy of my district, and of his too, will never subscribe to his course on this question; and I venture to predict that but few national Whigs at home will be anxious to send him back to a seat in this Hall."<sup>122</sup>

In Iowa, meanwhile, James W. Grimes had become the champion of the anti-slavery forces and had declared eter-

<sup>121</sup> This speech was not delivered but was inserted in the *Congressional Globe*, Appendix, 1st Session 33rd Congress, pp. 669, 673.

<sup>122</sup> *Congressional Globe*, Appendix, 1st Session 33rd Congress, pp. 885-888.

nal war upon the aggressions of the slave power and the doctrine of Senator Douglas. The Democratic press now sounded the warning that "Grimes and Co." were concerting towards a union to oppose the Nebraska Bill and to abolitionize the Whig party.

The *Weekly Iowa State Gazette* of Burlington now proclaimed the creed of the radical element of its party. "The bulk of the democratic party remains unbroken, and offers a rallying point in these discordant times to all true friends of the Union; and we have reason to know that many thinking and influential whigs would much rather act in future, with the democratic party than with the fanatical disunionists of the north. Then what is to hinder the alliance? Is the Nebraska Bill in the way? not at all. We know many good whigs who think with many good democrats, that though the principle of the bill is right, as it regards non-intervention, still it was of doubtful policy. We are not going to quarrel on this head, and we seriously think there is nothing now to hinder a union on principle, of national whigs and democrats. Let *our country* be the rallying cry."<sup>123</sup>

A bitter newspaper war in Burlington over the Nebraska Bill and the dissolution of parties disgorged the following from a Democratic editor: "The potent Democratic head cook of the *Telegraph* who does the incantations, while the witches who own it dance round the seething cauldron of whiggery and abolitionism, chants a spell of very doubtful meaning over the ingredients they have just flung into the pot for the purpose of 'raising the devil' with the democracy."<sup>124</sup>

The powerful element in the dissolution of the Democratic party and in the amalgamation of the Whig and Free

<sup>123</sup> *Weekly Iowa State Gazette*, Vol. XVIII, No. 1, July 5, 1854.

<sup>124</sup> *Weekly Iowa State Gazette*, Vol. XVIII, No. 4, July 26, 1854.



Soil elements was the moral and political reaction over the Kansas-Nebraska Bill of May 30, 1854; and it was James W. Grimes who did most to cement the bond between the various forces opposing the doctrine of Senator Douglas. A despairing appeal emanated from a Democratic editor on the eve before the State election: "The enemies of democracy are moving heaven and earth for its overthrow. The odds and ends of all factions—abolitionism, Main[e]-lawism, and all kinds of fanaticism, have conspired against the principle of equal rights and the government of the people; our institutions are in danger from this unholy coalition, and we call upon all true democrats to interpose in their defense."<sup>125</sup>

The aggressive campaign conducted by the Whigs resulted at the August election in the choice of James W. Grimes by a majority of 2123 votes over Curtis Bates who received 21,202 votes. A. J. Stevens of Polk County was elected Auditor over Joseph L. Sharp, the Democratic nominee. The Democrats also elected George W. McCleary of Louisa County, Secretary of State; Martin L. Morris of Polk County, Treasurer; and David C. Cloud of Muscatine County, Attorney-General.<sup>126</sup> At the April election of this year James D. Eads had been elected Superintendent of Public Instruction by a majority of 3931 votes over Isaac J. Steward, the Whig candidate who had received 13,462 votes.<sup>127</sup> In the first Congressional district Augustus Hall defeated the Whig candidate, R. L. B. Clark, by a vote of 11,219 to 11,042; but in the second district the Whigs elected James Thorington who received 11,435 votes. Ex-Governor Stephen Hempstead was given 9873 votes.<sup>128</sup> Of the

<sup>125</sup> *Weekly Iowa State Gazette*, Vol. XVIII, No. 5, August 2, 1854.

<sup>126</sup> Gue's *History of Iowa*, Vol. I, p. 275.

<sup>127</sup> Election returns as found in the Archives at Des Moines.

<sup>128</sup> Election returns as found in the Archives at Des Moines.

31 senators elected the Democrats secured a majority of one; while the Whigs captured forty of the seventy Representatives.<sup>129</sup>

“Every *ism*”, wrote a Democratic editor smarting under the defeat of his party, “and every element of dissatisfaction were appealed to. . . . It is not in a contest of whig principles against democratic principles that we were beaten. . . . The Whigs and Abolitionists have prevailed by means that must ultimately overwhelm them with defeat and confusion. They have built upon a sandy foundation—to-wit an underwork of lies. . . . How long may we expect this last change from ‘Whig’ to ‘Republican’ will enable this same old hetreogeneous, inconsistent, wrong-headed, sectional, and power-loving faction, to maintain a supremacy in the hearts of the American people?”<sup>130</sup>

This election is perhaps the most far reaching and significant event in the history of Iowa politics. It signalized the death of the old Whig party and the conception of the new Republican party. It ushered out of power for thirty years the party which had held practical sway for a quarter of a century. It sounded the clarion of opposition to the aggressions of an institution to which the State of Iowa had given aid and comfort by silence, sympathy, and speech. And it hastened the adoption of a new code of fundamental law for the Commonwealth.

The fifth regular session which met on December 4, 1854, was dramatic in its bitter party strife and in its fierce election contests. It will be remembered that of the thirty-one Senators the Democrats had a majority of one and of the seventy Representatives the Whigs had a majority of ten.

<sup>129</sup> *Weekly Iowa State Gazette*, Vol. XVIII, No. 12, September 20, 1854.

<sup>130</sup> *Weekly Iowa State Gazette*, Vol. XVIII, Nos. 8, 10, August 23, September 6, 1854.

This gave them a clear majority on a joint convention. On December 13, 1854, the joint convention met for the purpose of electing a United States Senator and three Supreme Judges. A. C. Dodge, Ebenezer Cook, Fitz Henry Warren, and James Harlan were the prominent candidates. By December 21, 1854, five ineffectual ballots had been taken and the Convention adjourned to meet on January 5, 1855.<sup>131</sup> A. C. Dodge had withdrawn from the race and the Whigs had centered their strength upon James Harlan.

This convention recess was filled with caucuses, secret meetings and star chamber conferences. To the Democrats James Harlan was politically loathsome on account of his bold anti-slavery utterances and his Free Soil leanings. The various factions among the Whig members, Free Soilers, Seward Whigs, and Hunkers had until now prevented their full voting strength from centering upon one man.

On January 5, 1855, the Convention reassembled. On the seventh and eighth ballots Mr. Harlan received 47 votes, and the voting promised his early election. The Democrats now began a fusillade of filibustering motions to adjourn, to call for the yeas and nays, and to call for the election of Supreme Judges. The latter motion finally prevailed, and by a party vote the Whigs elected George G. Wright, Chief Justice, and William G. Woodward, Associate Justice. After several ineffectual ballots to elect the other Associate Justice, the Convention adjourned to meet Saturday at 10:00 A. M.<sup>132</sup>

The Democratic majority of the Senate now determined to prevent the election of Harlan by preventing the reassembling of the Convention. On Saturday at 10:00 A. M. the Senate met regularly and by a strict party vote of 16 to

<sup>131</sup> *Journal of the House of Representatives*, 1854-1855, pp. 61-111.

<sup>132</sup> *Journal of the House of Representatives*, 1854-1855, pp. 151-178.

15 they adjourned to meet Monday at 9:00 A. M.<sup>133</sup> Thus there was existing the anomaly of a Joint Convention which had resolved to reassemble on Saturday morning at 10 o'clock and a Senate which had adjourned until Monday morning at 9:00.

On Saturday morning at 10:00 the special committee of the House to inform the Senate that the House was ready, returned with the empty tidings that no Senate was to be found. At the Speaker's announcement that the Joint Convention was assembled Mr. Benj. M. Samuels made the point of order that the Convention was not properly convened. The Speaker ruled the point as not well taken and ordered the roll to be called. Fifty-seven men answered to their names. Meanwhile the individual Senators had entered the chamber—the Democrats refusing to take part in the meeting. Amid intense excitement the Sergeant-at-Arms was directed to inform the forty-four Senators and Representatives who had not responded to the roll call that the Convention was now convened and that they should attend. The majority of the Democrats, however, were in the chamber as spectators to these remarkable proceedings.

A seventh vote for Associate Justice was now ordered, and Norman W. Isbell was elected receiving 51 out of the 56 votes cast. The ninth vote for United States Senator resulted as follows: James Harlan 52; Bernhart Henn 2; Wm. McKay and James Grant each one. Proper certificates of election were drawn up and given for the above elections and this stormy and discordant Convention came to an end.<sup>134</sup>

The sudden and stinging defeat of the Democrats gave expression to a bitter protest which was signed by the twenty-eight Democratic Representatives and spread upon

<sup>133</sup> *Journal of the Senate, 1854-1855, p. 116.*

<sup>134</sup> *Journal of the House of Representatives, 1854-1855, pp. 185-188.*



the *Journal* of the House. The report maintained that the Senate by its adjournment had disqualified itself from any action whatever from 9:00 o'clock on Saturday the 6th until 10:00 o'clock on Monday the 8th, and that the minority could not convene during that time for any legal act. Otherwise "clandestine meetings of minority will become the order of the day, and the Constitution, a mere rope of sand."

"Believing as we do", concluded the report, "that the proceedings of last Saturday, in admitting a minority of the members of the Senate to come within the *Hall of the House* after the Senate had adjourned and dispersed, and receiving such minority as the Senate and proceeding to the election of a United States Senator and Supreme Judge was a palpable and flagrant violation of the Constitution of the United States, and of this State; that it was subversive of the good of this House; that it tends to destroy all respect for law."<sup>135</sup>

Protests, arguments, and hope against the constitutionality of this election filled the editorial columns of the Democratic press. It was maintained that the legislature was composed of two and distinct bodies each with its own rules and journal. No legislative act, except that of adjournment, could be performed without the presence and organized action of a *majority* of each body. The concurrent action of both houses acting as such was necessary for the performance of any act emanating from or possessing the authority of the legislature or General Assembly.<sup>136</sup>

While condemning the motives and the political morals of this election case, sound principle and law would seem to reverse the action of the joint Convention. From the time of the adjournment of the Senate on January 6, 1855,

<sup>135</sup> *Journal of the House of Representatives*, 1854-1855, pp. 208-210.

<sup>136</sup> *Weekly Iowa State Gazette*, Vol. XVIII, No. 29, January 17, 1855.

at 9:00 A. M. to its reassembling on Monday, January 8, 1855, at 9:00 A. M., it is clear that the Senate had no organic existence either by law or by the Constitution.

When the Senators entered the chamber at the time for the meeting of the Convention, they could not enter it as an organized body. A convention must be composed of at least a quorum from each house. That is, with a Senate of thirty-one members and a House of seventy members a quorum in the Convention would necessitate the organized attendance of at least sixteen Senators and thirty-six Representatives.<sup>137</sup>

At the Democratic State Convention of January 24, 1855, at Iowa City the following ticket was nominated: for Commissioner Des Moines River Improvement, O. D. Tisdale of Davis County; for Register, William Dewey of Fremont County; for Register of the Land Office, Stark H. Samuels of Clinton County. No mention of the Kansas-Nebraska Act is made and the platform is but a vague expression of trite political principles with no program of reform or policy.<sup>138</sup> At the election in April the Whig ticket was elected by majorities of over 4400.<sup>139</sup>

The Democrats were now preparing for the presidential election of 1856.<sup>140</sup> It was a resolute and determined set of men which assembled at the Democratic State Mass Meeting in the Court House at Fort Des Moines on October 17, 1855. N. Albertson of Lee County was president and appointed committees on organization, on resolutions, and one

<sup>137</sup> A long and exhaustive discussion of this election took place in the Senate of the thirty-fourth Congress and on January 12, 1857, the Senate by a vote of 28 to 18 declared that James Harlan was not entitled to his seat. Both Senators Dodge and Jones voted with the majority. Five days later the Legislature of Iowa reëlected James Harlan for six years from March 4, 1857.—*Journal of the Senate* [of Iowa] 1856-1857, p. 366.

<sup>138</sup> Fairall's *Manual of Iowa Politics*, pp. 38, 39.

<sup>139</sup> Election returns as found in the Archives at Des Moines.

<sup>140</sup> *Daily Iowa State Gazette*, Vol. I, No. 100, October 23, 1855.

"on business." The latter made a detailed and complete plan of organization. It advised the appointment of a State Central Committee of five to prepare and to publish an address to the people of the State. The Convention was requested to appoint a State Central Organization Committee, which in turn was to appoint a committee of vigilance of five for each county. This committee was to organize a County Democratic Club and to name a committee on organization in each township. Finally committees were to be chosen for the school districts who were to canvass the voters and report to the township club. The township and county organizations were to raise money for the expenses of the district and the State delegates and for the printing for the campaign. An elaborate system of reports on the political situation was to be made regularly by the various party workers, from those in the school district to those of the state organization.

Eighteen resolutions were adopted. The defeat of the previous year was remembered in the twelfth resolution which declared "That while we lament the partial defeat which the democratic party sustained in the year 1854, opposed as it was by a combination of all the unscrupulous and vindictive isms of the State, we have cause to congratulate ourselves that there has been no wavering of our attachment to democratic principles, and that from the signs of the times, 1856 will find Iowa ranked among the proudest democratic States of the Union."

A rather guarded resolution was ventured upon the Kansas situation. The seventh resolution read: "That we have no sympathy with Northern Abolitionists or Southern Disunionists; and that while we condemn alike the policy of Massachusetts in organizing emigration societies to assail the institutions of the South and of Missouri in organizing armed bodies of men to infest the Territories and

interfere with the right of suffrage, we have been able to discover in the Act organizing Kansas and Nebraska nothing furnishing a reason for this result, or incompatible with the harmony of our Republican institutions."

To Senator Augustus C. Dodge, whom President Pierce had appointed minister to Spain on February 9, 1855, the resolutions expressed warm congratulations; Representative Augustus Hall and Senator George W. Jones were commended for their public services; a resolution denouncing the act of January 22, 1855, for the suppression of intemperance was stricken from the platform.

In the evening the mass meeting reassembled and Democratic speeches sounded in the court room. The Committee on Organization was ordered to print 5000 copies of the proceedings of the Convention and of the address prepared by the committee of five. The meeting adjourned with high hopes for the contest of the next year.<sup>141</sup>

Between investives against Know-Nothingism and Republicanism the Democratic editors urged the party to unite and work for the campaign and election of 1856. "The opposition in the North will be free soil, abolition, and meddling, and will brand the Democracy as pro-slavery. While Democracy, uninfluenced by either will remain the party of no section but the watchful guardian of the whole nation."<sup>142</sup>

A few weeks later the same Democratic editor wrote: "We have to meet a fusion of contradictory-antagonistic isms; a combination of selfishness, ambition, and treason united, without a solitary sympathy for each other, but out of a demoniac hatred to the old and ever enviable Democracy. . . . Discard every personal consideration;

<sup>141</sup> *Daily Express and Herald*, Vol. V, No. 157, October 27, 1855.

<sup>142</sup> *Daily Iowa State Gazette*, Vol. I, No. 75, September 23, 1855.



let measures represent principles; concede to every member of the party a right to his individual opinion upon measures, so that he stands firm in his attachment to the great Democratic National Platform."<sup>143</sup>

A remarkable feature of American political history is the bitterness of the persecution of the American party with its pass-words, cabalistic signs and its distrust of foreigners and Roman Catholics. In 1854 it had already become a power in State and municipal elections; in 1855 its eye was upon the Presidency, politicians courted its strength, and it gained wide successes in municipal, State and national elections.<sup>144</sup> Its history in Iowa as written by the Democratic press is a bitter philippic; its solvent power had contributed to the Democratic overthrow in 1854; and its opposition to the Kansas-Nebraska Bill naturally caused it to seek a coalition with the new Republican party.

To the Democrats the crystallizing tendency of the various anti-Nebraska elements was apparent; a sharp fire was directed at the Whig press. "Their vile prints", ran a Democratic editorial in March, 1855, "have been teeming with 'Old fogy', 'Pro Slavery', 'Dough-face', 'Whiskey-loving', 'Bare-footed', 'Illiterate', 'Illiberal', 'Arbitrary', and at this time 'Sham Democracy'. Shall these foul and miserable expedients avail them in breaking down a *party of approved principles*, for the purpose of rearing up in its stead a ruling dynasty marked only by its skill in procuring and appropriating public plunder."<sup>145</sup>

"The *cloven foot* of Americanism has begun to exhibit itself", was a Democratic warning from Burlington in April, 1855. "This sectarian, local, birth-place party is

<sup>143</sup> *Daily Iowa State Gazette*, Vol. I, No. 88, October 10, 1855.

<sup>144</sup> Cross's *The Origin, Principles and History of the American Party*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. IV, No. 4, pp. 26-54.

<sup>145</sup> *Weekly Iowa State Gazette*, Vol. XVIII, No. 39, March 28, 1855.

spotted all over with the leprosy of falsehood, deception and fraud. . . . We call upon the friends of freedom, Democrats and National Whigs, to rise in defense of great and eternal principles, which have been the common property of the heretofore parties that have divided this Union. Let us save this heritage from the foul pollution of modern political atheism."<sup>146</sup>

Drastic comment was provoked in the Democratic press by the proselyting effect of Know-Nothingism upon the ranks of the democracy. Said the *Daily Iowa State Gazette*:

We are aware that many democrats have been enticed into the dens of the Know Nothings. This was to be expected. The insidious means taken by the instigators of this method of breaking down the democracy is well calculated to deceive men from our ranks and induce them tacitly and submissively to subscribe to the abominations of the order. We know that hundreds of good, honest, well meaning men have passed through the initiatory ceremony without ever thinking, at the time, upon the consequences dependent upon their acts.

Rarely indeed can any one who has ever acted with this time honored National party be found who does not revolt at the unconscionable means resorted to by this tyrannical order to abuse, vilify and break down the object of their former love and support. Their humanity is shocked to extend the boon of our free institutions to the persecuted lovers of freedom from other lands. Their love of religious liberty is startled by the proscriptive intolerance of the order. And every feeling of love for the Union, the Constitution and our cherished institutions is chilled and horrified by the blasphemous treasons concocted and taught in their hearing and for their especial benefit. The order was concocted by the sworn vindictive enemies of democracy and democrats.<sup>147</sup>

*The Morning Glory*, a Democratic journal of Keokuk, was unceasing in its deliberate war upon the order: it pub-

<sup>146</sup> *Weekly Iowa State Gazette*, Vol. XVIII, Nos. 40, 42, April 11, 25, 1855.

<sup>147</sup> *Daily Iowa State Gazette*, Vol. I, No. 31, August 3, 1855.

lished the proceedings of their meetings; it scored its leaders and its nominations; the searchlight of its news and editorial columns was turned upon their secret meetings in Lee County and it waged a war upon the *Gate City* which reckoned upon Know-Nothing votes. From the *Pittsburgh Gazette* it copied the ritual of the first, second, and third degrees of the order with lurid editorial comments.

"There is but one great question", maintained its editor, "and that is *shall this great land be controlled by secret political organizations or shall it not?*" He maintained that the Democratic was the only party to put down the infamous organization. "Secret political organizations can no more be tolerated in this country than banded horse thieves and counterfeits." <sup>148</sup>

Meanwhile the struggle for possession of Kansas had come on. Eli Thayer's bands of emigrants had planted their colony; the pioneer spirit stimulated emigration from Iowa, Illinois and Indiana, and the Yankee was present in large numbers. Andrew H. Reeder had been commissioned as Governor to inaugurate the workings of the doctrine of "squatter sovereignty"; and the pistol-bearing and whiskey-drinking Missourians had invaded the Territory and elected the first legislature. Lawlessness, outrage, and fraud had commenced their reign.

Iowa at once raised the voice of resentment. Large numbers of emigrants were Iowans; the Commonwealth was the nearest to Kansas Territory of any of the free States; emigrant trains bound for Kansas passed through it; and the Whig press of the State was diligent in exposing the Missouri ruffians, fraudulent elections, and the designs of the Southern planters.

From the less radical Democrats of Iowa there was silence and some protest over the Kansas outrages—they

<sup>148</sup> *The Morning Glory*, Vol. I, Nos. 172, 184, July 22, August 5, 1855.

might defend the principle of home rule in the Territories, but the excesses on the plains of Kansas could not constitute good campaign material for Democratic resolutions, speeches, or editorials. There is rather a dearth of Democratic comment on this question, but the following represents a fair estimate of the old radical element of the Democratic party: "The Southerner who interferes to diminish a single right of the people of Kansas to make their own laws; laws which shall express the sense of the people of that territory, is worthy of denunciation. The Northerner who does so is subject to the same censure." Folly had been committed by both sides; the Administration had nothing to do with Kansas; Governor Shannon's course could not be objected to; and the Supreme Court alone could sit in judgment on the laws.<sup>149</sup>

The Republican press sounded the entire gamut of denunciation and indignation against the Missouri invaders, and their piratical election frauds were exposed with unmerciful severity. These attacks drove a radical Democratic writer to retort:

Why did Massachusetts, by her Legislature of Know-Nothing Abolitionists, charter a company with a monied capital of five millions of dollars for the express purpose of sending enough of her refuse fanatical-abolition population to Kansas to carry its elections and control its institutions? Has not the citizens of Missouri as much right to emigrate to Kansas as the citizens of Massachusetts? . . . . We are sorry to find that the fusionists of Iowa have adopted her as a prototype, and are struggling hard to follow in her wake.<sup>150</sup>

In the Territory of Kansas meanwhile Governor Reeder had been removed by President Pierce and had joined the

<sup>149</sup> *Daily Iowa State Gazette*, Vol. I, No. 71, September 19, 1855.

<sup>150</sup> *Daily Iowa State Gazette*, Vol. I, No. 86, October 6, 1855.



anti-slavery party by whom he had been chosen as Delegate to Congress. The "Free-State" men had also chosen delegates to the Topeka Constitutional Convention. Reeder was branded as "a fallen angel" by a Democratic editor. "The fanatical mirmidons of Massachusetts, led on by Reeder, have thrown off all restraint, all show of respect for law and order, and have openly resorted to arms and bloodshed in pursuance of their wicked and treasonable design. . . . In defiance of all law they fixed another day for the election, voted without restraint of law, and as a mob, elected Reeder one week after Whitfield had been elected in accordance with the law."<sup>151</sup>

In November 1855 occurred another Missouri invasion. A band of from twelve to fifteen hundred border ruffians were encamped on the Wakarusa River, and the air was full of warlike threats, and sentries were fired upon. Governor Shannon, however, was prevailed upon by the "Free-State" men and effected a peace with the Missourians who ingloriously returned home.<sup>152</sup> "God grant that they may remain there!" fevently said a Democratic editor of Burlington. The ring-leaders were ever to be remembered with scorn and contempt; but Governor Shannon was defended in all his public acts. "The intermeddling of the 'Emigrant Aid Association of New England' was low, impudent, and insulting—a dirty attempt to interfere with other people's business. . . . The 'Kansas troubles', we hope, are now at an end."<sup>153</sup>

Delegates from fifty-seven counties assembled at the Democratic State Convention at Iowa City on January 8, 1856, to set in motion the campaign of this year. The en-

<sup>151</sup> *Daily Iowa State Gazette*, Vol. I, No. 136, December 5, 1855.

<sup>152</sup> Rhodes' *History of the United States*, Vol. II, pp. 105, 106.

<sup>153</sup> *Daily Iowa State Gazette*, Vol. I, No. 151, December 22, 1855.

tire day was spent in organizing the Convention. Committees on credentials, on order of business, on Permanent Organization and on Resolutions were appointed by President James Grant. One member from each of the ten senatorial districts was appointed in making up the various committees. The Convention was then addressed by James Thompson, E. W. Eastman, and others; and then the meeting adjourned to reassemble in the evening at 6:30.

Seventeen resolutions reported by Bernhart Henn were unanimously adopted. "The Democracy of Iowa fully indorse the legislation of 1854, so far as regards the organization of the Territories of Nebraska and Kansas"; and it was solemnly resolved to resist all attempts at renewing the slavery agitation in Congress or out of it. The blame for the Kansas outrages is not located, but the Abolitionists and Fusionists are censured for misrepresenting the provisions of the Act of 1854, for publishing false and libelous statements concerning the Democrats, and for prostituting the Sabbath and the pulpit to their selfish designs. The Know-Nothing party was declared an unfit political associate for true Democrats and Republicans. President Pierce was endorsed, but foreign interference in the affairs of Kansas was condemned. The certificate of election of Governor James W. Grimes to Senator Harlan, they declared, "was issued without warrant of law."

J. C. Hall of Des Moines County, James Grant of Scott County, D. O. Finch of Polk County, and Abram H. Palmer of Johnson County were nominated for presidential electors. Four alternate electors were appointed by President Grant. The following were elected as delegates to the National Convention at Cincinnati on June 2, 1856: Bernhart Henn of Jefferson County, D. H. Solomon of Mills County, A. T. Walling of Lee County, B. F. Coolbaugh, R. M. Evans, T. S. Wilson, C. J. McFarland. Eight alternate delegates were also selected.

The State ticket nominated was as follows: for Secretary of State, George W. McCleary of Louisa County; for Auditor, James Pollard of Davis County; for Treasurer, James Paul of Johnson County; for Attorney General, James Baker of Lucas County. A State Central Committee was appointed as follows: W. A. Thurston, W. H. McClure, H. B. Hendershott, Gilman Folsom (chairman), W. H. Farner, William Kelsey, O. N. Tyson, T. D. Eagal, John Hayes, Jr., and A. K. Eaton.<sup>154</sup>

Early in January there appeared a call for a mass meeting of anti-slavery elements on February 22, 1856. The Democrats knew that this Convention was to organize the Republican party and at once sounded the warning. In spite of "Seward niggerology" Kansas would be a free State before that date, boldly predicted a Democratic editor. Honest Whigs, it was maintained, would not join the Republican movement.<sup>155</sup> Two weeks before the meeting of the Convention, however, the same journal was fearful of the "desperate efforts" of all factions, and was demanding that every Democrat be vigilant and roused to action.<sup>156</sup>

"Black Republican Convention" and "The Black Republican Platform" are typical subjects of the Democratic editorials directed at the successful Republican Convention of February 22, 1856. "And thus has Seward abolitionism triumphed over all other isms which go to make up the opposition in Iowa—at least the leaders of the factions have surrendered unconditionally, and, so far as in them lies, turned over their followers to the guidance and dictation of black republicanism." The platform was pronounced to be precisely the one sent to the West by Seward politicians. "We shall soon see whether the instigators of treason in

<sup>154</sup> *Daily Iowa State Gazette*, Vol. I, No. 169, January 13, 1856.

<sup>155</sup> *Daily Iowa State Gazette*, Vol. I, No. 171, January 16, 1856.

<sup>156</sup> *Daily Iowa State Gazette*, Vol. I, No. 189, February 6, 1856.

Kansas will be allowed to extend their incendiary efforts among the thinking and patriotic masses of Iowa.”<sup>157</sup>

Congress was again absorbed in the Kansas question. Representative Augustus Hall of Iowa spoke on March 18, 1856. He denied the authority of Congress to probe into the disputed elections in Kansas, although he would welcome an investigating committee. The emigrant companies under the instructions of gigantic monopolies, he denounced. “I consider the principle announced by the Kansas and Nebraska bill a beautiful, a magnificent principle. I believe that the people of the Territories have the right to regulate their own institutions in their own way. I hoped that the Territory of Kansas would have been left free to be settled as the other Territories have been, that men would have gone there with their own free will to make themselves homes.”<sup>158</sup> He declared in closing that he was ready to vote for a committee to investigate affairs in the Territory.<sup>159</sup>

Senator James Harlan on March 27, 1856, delivered a powerful and eloquent argument for the admission of Kansas as a free State. He maintained the view that Congress had full legislative power over the Territories and that this power ought to be exercised in the organization of Territorial governments where slavery did not previously exist, because “the peace and quiet of the territories requires that this, and all great questions of State, should be settled by the supreme legislature. And, lastly, because its speedy exercise seems to be the only means for restoring to the people of Kansas the rights of freemen of which they have been deprived by violence.”<sup>160</sup>

<sup>157</sup> *Daily Iowa State Gazette*, Vol. 1, Nos. 206, 207, February 26, 27, 1856.

<sup>158</sup> *Congressional Globe*, Appendix, 1st Session 34th Congress, pp. 177-179.

<sup>159</sup> *Congressional Globe*, Appendix, 1st Session 34th Congress, p. 179

<sup>160</sup> *Congressional Globe*, Appendix, 1st Session 34th Congress, pp. 270-277.



On April 16, 1856, Senator George W. Jones replied to his colleague in a speech covering four pages of the *Globe*. It is a rather colorless and mild argument on the political and social inequality of the races, and a defense of the policies of President Pierce. The "border ruffians" were defended and the Senator was inclined to maintain that they had gone to the Territory of Kansas to take up lands for occupancy or for sale. In closing he proudly quoted Senator Thomas H. Benton in defense of the right of the Kansans to decide for themselves for or against slavery.<sup>161</sup>

The *Daily Iowa State Gazette* published this speech in full<sup>162</sup> which led the *Hawk-Eye and Telegraph* to charge that the speech had been written by Henry Clay Dean, the chaplain of the Senate. "Did the *Keokuk Times* get ten dollars for publishing the Rev. Dean's speech which Gen. Jones read to the Senate?" asked a Republican editor. "We are curious to know whether that paper is willing to publish such a length of verbosity and egotism for such a paltry sum."<sup>163</sup>

The cry of "Bleeding Kansas" was the watchword of Republican campaign managers this year. The news from Kansas Territory reached Iowa quickly. Newspapers reported it with large head lines; campaign speakers and political writers found in it diatribes and philippics; the pulpit orators treated the moral issues involved; and numerous agents from Kansas visited Iowa to solicit money and sympathy for the victims of the fratricidal war. In the Democratic newspapers column after column was filled with the speeches of Senators Stephen A. Douglas and George W. Jones and Representative Hall. The Kansas Central Com-

<sup>161</sup> *Congressional Globe*, Appendix, 1st Session 34th Congress, pp. 405-409.

<sup>162</sup> *Daily Iowa State Gazette*, Vol. 1, Nos. 262, 263, 264, 265, April 30, May 1, 5, 6, 1856.

<sup>163</sup> *Daily Iowa State Gazette*, Vol. I, No. 270, May 11, 1856.

mittee of Iowa, headed by W. P. Clarke, C. W. Hobart and H. D. Downey, were engaged in trying to swerve emigrant routes from Missouri and to facilitate the emigration thither by laying out a route through Iowa.<sup>164</sup>

In February, 1856, a Democratic editor was demanding that the forays from the Missourians as well as the revolutionary proceedings of the Abolitionists be quelled at once.<sup>165</sup> But the meeting of the "free state" legislature of the Territory of Kansas again roused the attack of the same editor. "These Topeka gentry are nothing less than outlaws, and ought to be dealt with accordingly. They have been guilty of overt acts of treason by setting the general government at defiance, and there is no right way of reaching their case except by treating them as rebels. . . . If, then, the President has failed to cause the arrest of the Topeka insurrectionists [the Kansas bogus legislature] it must be because he has failed to realize the extent of their treason."<sup>166</sup>

An immense indignation meeting was held at Burlington on June 11, which was addressed by several former eyewitnesses of the guerilla wars of Kansas Territory. The Administration was bitterly denounced for its failure to restore order and quiet. "These hell-hounds of discord, of treason and of blood", cried a Democrat, "cared nought for the freedom of Kansas beyond the monied emolument it would afford the New England capitalists engaged in the Emigrant Aid Association. . . . Reeder, Lane, and Robinson were the prime movers in Kansas of all difficulty. Without them the insane ravings of Greeley and the satanic sermons of Beecher would prove powerless; Sharpe's rifles would be useless, and Kansas would march

<sup>164</sup> *Daily Evening Reporter*, Vol. I, No. 123, July 24, 1856.

<sup>165</sup> *Daily Iowa State Gazette*, Vol. I, No. 201, February 20, 1856.

<sup>166</sup> *Daily Iowa State Gazette*, Vol. I, No. 232, March 25, 1856.

forward to freedom and prosperity, as Iowa and other Western States have done."<sup>167</sup>

In the meantime the State campaign had been in motion and the hopes of the parties rose and fell as the tidings from Kansas Territory were good or bad. The physical blows directed upon Sumner by Representative Brooks were turned into a moral force against the Democracy. The Know-Nothing party of Iowa was being tossed upon the waves of political strife and politically chastised in Democratic conventions, speeches, and the press. The State election was to be the first skirmish to gain vantage ground for the great battle of November.

"There is no refuge, no resting place for any issues, etc.", urged the *Daily Express and Herald*, "of any hue or shade upon that Platform. It is alike obnoxious to Abolitionism, Know-Nothingism, Slavery Propagandism, Sectionalism, Classicism and Federalism. Broad and long and comprehensive as it is, there is not a spot upon it on which one of these can find refuge or repose, nor is there a place left in it to be supplied by inference or misconception.—Everyone can understand it, no one need misapprehend it. Thanks to the judgment and ability and fortitude of the Convention for the plain, comprehensive and explicit declaration of Democratic Principles. By their nominations and their enunciations of doctrine, they have more than half fought the campaign of 1856. The rest is for the masses to do. Let Iowa be preparing to do her part of the battle. It can be fought successfully by the Democracy without her aid, but nevertheless, she ought to participate in the glory of overthrowing the enemies of Constitutional liberty, and of exulting over their discomfiture in November next."<sup>168</sup>

<sup>167</sup> *Daily Iowa State Gazette*, Vol. I, No. 298, June 13, 1856.

<sup>168</sup> *Daily Express and Herald*, Vol. VII, June 10, 1856.

"Organize we say", commanded another Democratic veteran, "in every city—in every village—in every township—aye, in every school district, if possible. Form Democratic clubs—and take council together as to the best means of preserving the institutions of our country."<sup>169</sup>

Iowa City became a fertile locality in this campaign for Democratic speeches. James Baker, J. S. Hamilton, and Will Tomlinson spoke to Democratic audiences in the House of Representatives on the twelfth of July.<sup>170</sup> Weekly meetings were held by the Johnson County Democratic Club, and just before the election a Buchanan Democratic rally was held in the State House. James D. Templin, Joseph Williams, Le Grand Byington and others presented the issues of the Democracy.<sup>171</sup>

Congressional conventions gave momentum to the campaign. Representative Augustus Hall had circulated a long letter explaining and defending his speech of March in favor of the Kansas investigation committee.<sup>172</sup> In the same month he was renominated. In the second district at Iowa City on June 19, 1856, Shepherd Leffler was nominated on the sixteenth ballot. The resolutions declared that the "Democratic party have no money, or men nor rifles nor cannon to send to Kansas" except "to support the legally constituted authority in maintaining the supremacy of laws constitutionally declared."

Referring to the "jealousies and fanaticism" which had produced a "Reign of Terror" in Kansas, the resolutions invoked patriotic men to prevent "the fair plains of the West from being ensanguined in the blood of the innocent, to discountenance and frown upon every attempt to pro-

<sup>169</sup> *Daily Iowa State Gazette*, Vol. I, No. 292, June 6, 1856.

<sup>170</sup> *Daily Evening Reporter*, Vol. I, No. 113, July 12, 1856.

<sup>171</sup> *Daily Evening Reporter*, Vol. I, No. 131, August 2, 1856.

<sup>172</sup> *Daily Iowa State Gazette*, Vol. I, Nos. 272, 273, 274, May 14, 15, 16, 1856.



tract this unnatural and unholy contest or to further the designs of treasonable agitators."<sup>173</sup>

At the election of August 4, 1856, however, the entire Republican ticket was defeated by majorities averaging over 7000. George Snyder, the Democratic candidate for Secretary of State nominated on June 26, 1856 (vice George W. McCleary resigned), received 32,920 votes; while the Republican candidate, Elijah Sells, polled 40,387. Of the thirty-five Senators elected, twenty-four were Republicans; while of the seventy-three Representatives the Democrats had elected but twenty-four. Republicanism was now supreme in every department of the State administration. The Republicans also elected both Congressmen. In the first district the vote stood: Samuel R. Curtis 18,065, and Augustus Hall 17,110. In the second district Timothy Davis received 22,885 votes and Shepherd Leffler 15,868.<sup>174</sup>

Confidence in the coming election in November somewhat mollified the defeat at the August election. Said editor Sylvester in analyzing the causes of the Republican victory: "The inflammatory character of the 'Kansas question' which has been thrust upon the people, as of paramount importance to all others, has had not a little influence in bringing about the rule of faction and ism. Incendiary leaders and hired agitators, destitute alike of political and moral purity, have prowled through our State during the past season, blinding hundreds and thousands into delusive errors, which need but the light of calmer reason, if less infatuating oratory, to be swept like a film from the eye, and replaced with principles and truths, based upon deeper foundations than the unnatural excitement of the hour."<sup>175</sup>

<sup>173</sup> *Daily Express and Herald*, Vol. VII, June 24, 1856.

<sup>174</sup> Election returns as found in the Archives at Des Moines.

<sup>175</sup> *Daily Evening Reporter*, Vol. I, No. 140, August 13, 1856.

Three candidates had now been entered in the presidential race course. On February 22 Millard Fillmore and Andrew J. Donelson had been nominated by the Know-Nothing National Convention at Philadelphia. On June 2 the Democrats at Cincinnati had nominated James Buchanan, who was unsullied and unstained by virtue of any slavery legislation. John C. Breckenridge was nominated for Vice President. The Republicans at Philadelphia on June 17 again nominated a soldier and one whose name was politically untarnished by the issues of slavery—John C. Fremont.

Early in the campaign a Democratic organ announced the cardinal issues of the campaign in these words:

The principal issues then in the present campaign as presented by the proscriptive policy of the Know-Nothings and the sectional warfare of the Republicans, are first, That persons professing the Catholic religion should be deprived of political rights. Second, that the period within which foreigners born may become naturalized, should be extended to twenty-one years, and that naturalized citizens should be deprived, either by law or by the practice of the voter of the right and privilege to hold office. Third, that persons owning slaves in certain States of the confederacy should be deprived by law or by force of the right and privilege of migrating into the Territories of the United States. These issues the Democracy accept, and will contend in this campaign for the free, unrestrained, unlimited and unqualified right of Catholics as well as others to worship *God* according to the suggestions and dictates of their conscience, and without subjecting them to any political disabilities whatever therefor. . . . They will insist also upon the unrestrained right of slave-holders, as of others, to migrate with their goods and chattels to the Territories of the United States.<sup>176</sup>

Both parties again lifted their voices in behalf of Kansas, the Republicans declaring that the Territory had become a satrapy of Missouri and the Democrats denouncing the

<sup>176</sup> *Daily Express and Herald*, Vol. VII, June 19, 1856.

revolutionary tactics of the "Free-State" party. The Democrats thus justified the Administration: "While the Democratic standard is inscribed with POPULAR SOVEREIGNTY or Self-Government for State and Territory and the integrity of the Union and the preservation of the Constitution the Republican banner bears the watchword of Congressional restriction upon the rights of the people of the Territories to govern themselves,—disloyalty to the Union—and contempt for the Constitution."<sup>177</sup>

The high tide of Know-Nothingism in 1855 in various States of the Union had not yet spent its force, and in this campaign it still continued a mysterious and potent element among the two contending parties. Fillmore the Democrats considered a formidable candidate; but "Black Republicanism" was rather considered on the wane. A triangular aspect of the campaign is indicated in the following excerpt from a Democratic editorial in the Dubuque *North West*:

His [John C. Fremont's] most zealous partisans admit that his chance of election is a hopeless one. Not one of them will risk a cent on his prospects. In fact, the utter folly of his contending against Buchanan is so apparent that to avoid disgraceful defeat, we think, if he is not too strongly fettered by the unscrupulous speculators in the disunion stock of Abolitionism, he will break away from them and decline to be made a sacrifice to their black purposes.—The contest between Mr. Buchanan and Mr. Fillmore, would be animated, but not doubtful. The K. N. party can never hope to defeat the Democracy in any fair, general fight. We have that confidence in the good sense of the American people, that we never expect to see any party professing its intolerant and anti-American principles achieve more than a local and temporary triumph. As it stands now we have the Fillmore party to whip, and we will do it. The Fremonters are out of the ring, so far as any necessity for a movement to check them is concerned. We ask

<sup>177</sup> *Daily Express and Herald*, Vol. VIII, November 4, 1856.

again, will not Fremont decline the hopeless and unequal struggle?<sup>178</sup>

In Conventions, on the hustings, in the press, in Buchanan clubs and in mass meetings the Democrats were contrasting the presidential capacities of Buchanan, Fillmore, and the Pathfinder. Fillmore's Americanism was exposed in all its undemocratic tendencies and its political loathsomeness. Fremont they stigmatized as "a reckless adventurer of Rocky Mountain notoriety", a "speculator", a "cattle drover", a "Know-Nothing", and "an Abolitionist". The campaign charges ranged from the indictment that his military fame was stained by mutiny, insubordination, and persecution to the accusation that he parted his hair in the middle.

Buchanan, the Democrats urged, was an abler statesman than Fremont as shown by "Old Buck's" long and honorable public service. Fremont they urged was but a soldier and a pathfinder to the West and had but twenty-one days actual experience in the United States Senate.<sup>179</sup> "If Fremont is to be rewarded by the Presidential office [for his western explorations] surely Kit Carson is entitled to the Vice Presidency at the very least", ran a Democratic editorial. "As a statesman his history is a blank. It is true he held a seat in the United States Senate for a year or two, as Senator from California, but he made no mark there. . . . On the Know-Nothing we find him giving in his adhesion to the anti-Fillmore division",<sup>180</sup> and offering to run as their candidate, whether nominated by the "Republicans" or not.

At the election of November 4, 1856, the quartet of Re-

<sup>178</sup> Printed in the *Daily Iowa State Gazette*, Vol. II, No. 65, September 13, 1856.

<sup>179</sup> *Daily Express and Herald*, Vol. VIII, October 28, 1856.

<sup>180</sup> *Daily Iowa State Gazette*, Vol. I, No. 310, June 27, 1856.



publican candidates were elected with average votes of 45,160. The average Democratic vote for electors was 37,566 while that of the Know-Nothings was 9064.<sup>181</sup> The popular votes for Fremont, Buchanan, and Fillmore were respectively 44,127, 36,241, and 9444.<sup>182</sup>

The aggressive opposition of Governor Grimes to the course of the Administration in Kansas Territory precipitated a sharp discussion in the Sixth General Assembly. On December 5, 1856, Representative D. C. Cloud of Lee County introduced the following joint resolution<sup>183</sup> which on December 9, 1856, passed the House by a vote of thirty-eight to twenty-six.

*Whereas*, under the Constitution of the United States, freedom is national and slavery sectional, and believing that the peace, welfare and honor of the country imperiously require that our national domain shall be preserved free, for free homes and for free men; and believing it to have been the policy of our fathers, dictated by reason and exalted patriotism, to prohibit the extension of slavery and make freedom the law of our national progress:—

*Therefore, be it resolved by the General Assembly of the State of Iowa*, "That we are unqualifiedly opposed to the further extension of slavery within the jurisdiction or by the sanction of the General Government, and insist that Congress shall exert all constitutional power to preserve our national territory free.

*Resolved*, That our senators in Congress be instructed and our Representatives requested to exert their influence and vote for the admission of Kansas into the Union as a Free State, and to oppose its admission with a constitution establishing or tolerating slavery.

*Resolved*, That the Governor be, and hereby is requested to transmit a copy of the above preamble and resolutions to each of our Senators and Representatives in Congress.

<sup>181</sup> Election returns as found in the Archives at Des Moines.

<sup>182</sup> *Daily Express and Herald*, Vol. VIII, November 29, 1856.

<sup>183</sup> These resolutions and the debates upon them are found in the *Iowa City Journal of Debates*, Vol. I. No. 1, January 6, 1857. The first number edited by S. Storrs Howe and the only one known to the writer is found in the Burlington, Iowa, Public Library.

Protracted debate on the sixth and eighth of December followed the introduction of these resolutions. Representative J. H. Sullivan from Lee County protested against the revival of the discussion of the Kansas question; it would not make one more blade of grass grow nor one more drop of rain to fall. The continued discussion of the question by the Republicans was for the purpose of annoying the Democracy; Congress had no power whatever to regulate the domestic policies of the States.

He maintained that one of the eternal principles of the Democratic party North and South was that slavery was local and freedom was national, but "as to the existence of slavery in this country, New England ship owners and capitalists can better tell how it was introduced than we of the Democratic party. They also can tell more easily than we, whether the millions of which they are to-day so purse-proud, are not the price of human flesh and blood, sold to the South by their fathers."

Representative David C. Cloud in replying declared that the Democratic party went after strange gods in 1855. He denied that the national election had settled the question of slavery. "So far as the United States is concerned, I grant that in the election, we have been beaten. Yet so far as this State, and the whole North is concerned, we have loudly rebuked the course of the Administration in Kansas Territory."

Representative D. W. Scovill regretted the waste of time and energy which a discussion of Kansas questions entailed. He expressed his firm faith that Kansas Territory would adopt a free Constitution although declaring at the same time his belief in the theory and the practice of the doctrine of the "Little Giant". Editor Greeley and Senator Hale were bitterly denounced and the "Higher Law" of Senator Seward was branded as a "pernicious seed, fruitful of all that is evil."

“But sir”, reads the peroration of his speech, “the sun of Democratic truth shines with a steady light. Already the clouds of fanaticism and disunion are beginning to recede before its burning rays. And, I trust and believe, Sir, that it will continue to shine until every cloud shall be driven from the heavens; and this glorious constellation of States, shall shine in undimmed splendor, as bright and beautiful as the ‘morning stars’, that, with their music, hailed creation’s dawn.”

Senator M. L. McPherson of Winterset replied to Senator Jairus E. Neal of Mahaska County. “There was no Democratic orator during the last Presidential campaign, in the North at least, but that proclaimed the doctrine of ‘Squatter Sovereignty’, as the salt of the Democratic party—the bond of union among these States. Every Democratic paper, [in the] North, contended for the same principle. This was the Shibboleth of the northern wing of that once great party; great in numbers and great in principle.”

In closing he stated his reasons for opposing the adoption of slavery in Kansas. “The first reason is that slavery is wrong *per se*, wrong of itself. Another reason is that all experience shows that when a Territory has established slavery, and when it presents itself to become one of these United States, it invariably does so with a Constitution tolerating slavery. A third reason, Mr. President, is that I think the framers of our Federal Constitution never contemplated that slavery should be extended immeasurably over this country but that it should be circumscribed.”

With the presidential contest over, the parties in 1857 were contending over State policies. Holding full sway in every branch of the State Government, the Republicans were censured or opposed at every stage by the Democrats.

The prohibitory law of January 22, 1855,<sup>184</sup> had been passed by a Whig administration and its defects were counts in the Democratic indictments of the Republican administration. "Are we to remain under the infliction of this and other *odious* laws, that they, as legislators and politicians, may retain their popularity? or will they act like men ought to act, and repeal this Prohibitory Law, or so amend it as to make it less obnoxious and more in keeping with what we concede to be the rights of the people—to be secure in the possession of their property, and free from unwarranted searches and seizures?"<sup>185</sup>

J. C. Hall's resolutions adopted in the Democratic State Convention of January 19, 1856, unqualifiedly condemned the State Republican legislature for "the refusal of that body to amend or repeal the present law, known as the 'Maine Liquor law', because we believe the law to be of questionable constitutionality, impracticable and repugnant to the true principles of our government." Another resolution, however, committed the party to such legislation as "will control the abuses of the liquor traffic without infringing upon the constitutional rights of citizens."<sup>186</sup>

At the Democratic State Convention at Iowa City on January 19, 1856, the following ticket was nominated: for Superintendent of Public Instruction, Maturin L. Fisher of Clayton County; for Commissioner and Register of Des Moines River Improvement, G. S. Bailey of Van Buren County and W. Porter of Polk County, respectively. Theodore S. Parvin of Muscatine County was nominated for Register of the State Land Office.

Platforms on both National and State policy were adopted. The principles of Madison, Jefferson and Jackson

<sup>184</sup> *Laws of Iowa*, 1854-1855, p. 58.

<sup>185</sup> *Daily Iowa State Gazette*, Vol. II, No. 168, January 15, 1857.

<sup>186</sup> *Daily Iowa State Gazette*, Vol. II, No. 185, February 4, 1857.



were reaffirmed and the National platforms of 1852 and 1856 were reaffirmed. The Democratic members in the Constitutional Convention were requested to use their influence "to engraft on the new Constitution a provision confining the rights of citizenship in this State to the white population, and to the exclusion of negroes and mulattoes." The State legislature was censured for the size of its appropriations.<sup>187</sup>

It was the demand for a better circulating medium that was the dynamic force in the agitation for a new Constitution. The notes of discredited banks found their way here: "Wild Cat Banks" sent their worthless shin-plasters and the paper of all discredited banks was heavily discounted. Gold and silver was scarce and generally hoarded when not demanded for taxes.<sup>188</sup> The Republican State platform this year was demanding in stronger terms than ever an adequate circulating medium and a system of banks.<sup>189</sup>

The commanding issue in 1857 was, however, the question of the adoption of a new code of fundamental law for the State. A brief retrospect is necessary to give an historical setting to the agitation of this year. Since 1846 there had been intermittent demands from the Whigs for a revision. Governor Hempstead, however, in his second biennial message of December 8, 1854, had declared that he saw no imperative need of any change in the Constitution.<sup>190</sup>

Governor Grimes, on the next day, had taken an opposite view, strongly urging the legislature to submit the question of a Convention to the people.<sup>191</sup> In response to his advice

<sup>187</sup> *Daily Iowa State Gazette*, Vol. II, No. 185, February 4, 1857. Fairall's *Manual of Iowa Politics*, p. 42.

<sup>188</sup> Merritt's *Early History of Banking in Iowa*, p. 137.

<sup>189</sup> Fairall's *Manual of Iowa Politics*, p. 44.

<sup>190</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 466.

<sup>191</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 19.

the legislature in January, 1855, passed "An Act providing for the revision or amendment of the Constitution of this State."<sup>192</sup> At the election in August, 1856, there were 32,790 votes cast "For a Convention" and 14,162 "Against a Convention".<sup>193</sup> As compared with the vote on the same day for State officers this vote does not indicate a great interest in the question. The approaching presidential election and the turmoil of the Kansas affairs had overshadowed the issue of a Convention.

"The attempt at revision", said the *Daily Express and Herald*, a strong Democratic journal of Dubuque, "springs mainly from the desire of a few speculators, such as the fathers of the Oma Wild Cat Bank to introduce banking into Iowa. . . . It is true there are some things in the present Constitution we should like to see changed, but in order to secure these needed reforms, we must send men of the right stamp as delegates to the Convention." It then urged that the people elect men who would first oppose any change in the Constitution on the subject of banking and second oppose any change on the subject of State indebtedness.<sup>194</sup>

Thirty-six delegates were elected in November, 1856, and of this number the Republicans had captured a majority of six.<sup>195</sup> The members were all elected upon party grounds", declared a prominent Democratic member of the Convention later. "The organization was upon most intense party grounds, not a democrat was made chairman of even an insignificant committee, and with the exception of the nominal committee on '*Military Affairs*' there was no committee composed of a majority of democrats."<sup>196</sup>

<sup>192</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 219.

<sup>193</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 221.

<sup>194</sup> *Daily Express and Herald*, Vol. VIII, October 25, 1856.

<sup>195</sup> Shambaugh's *History of the Constitutions of Iowa*, p. 337.

<sup>196</sup> J. C. Hall in the *Daily Iowa State Gazette*, Vol. II, No. 293, June 10, 1857.

On the adjournment of the Convention at Iowa City the newspaper campaign over the Constitution began at once. A section in the instrument provided that a separate ballot should be taken on the question of striking out the word "white" in the article on the right of suffrage. The entire instrument was published in the newspapers and attacked by the Democrats from end to end, although they found in it much to commend. The Republicans met them on every hand, and during the summer months there was a sound and exhaustive discussion of the Constitution. They were united in its support, while not a few Democrats were convinced that the adoption of the new Constitution would conduce to the financial and industrial welfare of the Commonwealth.

Mr. J. C. Hall, who had been perhaps the most influential Democratic member of the Constitutional Convention, led the Democrats in their discussion of the Constitution in a series of letters to the *Daily Iowa State Gazette*, finding in it much to commend, but denouncing the clause in the Bill of Rights which forever "prohibits the people, through the legislature, from prohibiting, regulating, or limiting the Negro and Indians in giving evidence in our courts."<sup>197</sup>

Special stress was laid upon the "negro equality clause" of the proposed amendment to strike out the word "white". The Republicans insisted that it was a separate and distinct proposition. Said the *Cedar Rapids Democrat*, "A careful reading will show that the question of its adoption is so peculiarly gauged by the vote to be given upon the remainder of the proposed constitution, as to render it inseparable therefrom."<sup>198</sup> "The most inviting inducements to the Negroes, are held out in this instrument", warned

<sup>197</sup> *Daily Iowa State Gazette*, Vol. II, Nos. 293, 294, 299, June 10, 11, 17, 1856.

<sup>198</sup> Quoted in the *Daily Iowa State Gazette*, Vol. II, No. 309, June 28, 1857.

the *Benton Democrat*, "and it seems to have been framed with a special view to their own benefit." In the article on Education and Schools "a Board of Education is compelled to provide for the co-mingling in the school rooms, of the black and white children of the State—thus placing the negro on a social equality with our children and paving the way to final amalgamation."<sup>199</sup>

Radical and caustic objections issued from the Du Buque *North-West*. "What man who has one drop of Anglo-Saxon blood in his veins, and who has the spirit of a free born American, would consent to have his little sons and daughters, bound by the Constitution and laws of his State to become the associates, school-mates and equals in every other respect, as is designed, of the thick-lipped and woolly headed negro. If there were no other objection to the nauseous dose which has been prepared for us by our late Abolition Know Nothing Constitutional Convention, it would be sufficient to deter us from casting our votes for that ill-digested and anti-Democratic and anti-White man's Code."<sup>200</sup>

Another journal recalled that it was the "freedom-shrieking" party who had sustained Robinson, Lane and Co. in their efforts to foist upon the people of Kansas a codicil excluding the negro from the Territory: "And now remember", warned editor R. H. Sylvester, "it is the *same party* which now seeks to have adopted by the people of Iowa, a Constitution with a codicil *giving to the negro full rights of citizenship*, thus *inviting negro immigration to this State*. Mark well their position. In the one case, they used every effort to exclude the negro from even a residence, while in the other case they seek to make him an *equal* and invite him to become a resident among us. Can

<sup>199</sup> Printed in the *Daily Iowa State Gazette*, Vol. II, No. 301, June 19, 1857.

<sup>200</sup> Printed in the *Daily Iowa State Gazette*, Vol. II, No. 264, May 7, 1857.



there be any honesty in a party assuming positions so diametrically opposite upon the same question, in so short a time? These are points to be considered, and they should have due weight in making up the verdict."<sup>201</sup>

Democratic editors also turned their weapons upon the banking section of the new Constitution, declaring that the section was indefinite enough to bring about as nefarious a system of banking as ever existed in Indiana or Illinois. "Talk about safe guards, etc., as you will, there is every opportunity, of which rascals will avail themselves, to swindle the people and foist upon them a 'shin-plaster' currency without any basis in fact. The idea of issuing promises to pay on stock security is a *farce*—there is no *security* in it—brokers make a 'run' on a bank and *down* goes the stock."

Iowa had prospered and grown rich without banks. "'Tis true, of late years she has been flooded with this paper trash from other States, but her citizens have watched it with a jealous eye, and kept it moving, so that, admitting there was a loss, it fell lightly upon all, for there were no 'home institutions' to lull the people into a *false* security, and as a consequence no man kept the trash longer, as a general thing, than from 'sun to sun.'

" 'Let well enough alone' is a good old maxim, and with relation to this banking clause, we think the people of Iowa would do well to heed it. The mania for speculation, which in a great measure has caused this desire for banks, will soon subside and our people will return to their respective callings—the farmer to his plow, and the mechanic to his shop—the *real wealth* of our State will then develope itself, and money, not its representative, but the genuine

<sup>201</sup> Quoted from the *Reporter and Crescent* in the *Daily Iowa State Gazette*, Vol. II, No. 256, April 28, 1857.

currency of the country will flow in on us in exchange for our produce, stock and manufactures.”<sup>202</sup>

The editor of the *Daily Express and Herald* demanded to know the meaning of the term “specie basis” as found in the banking section. “If the provision means that there shall be a dollar of specie deposited in the bank for every dollar note put in circulation, then, in the name of common sense, why not circulate the *specie dollar* in the first place?”

“Adopt this Constitution with those banking features”, predicted this journal, “and so sure this is done, the heretofore flourishing and highly prosperous State of Iowa will be disgraced and afflicted with all the swindling shops and financial embarrassments, that under similar circumstances brought dishonor and loss to many a home in Indiana and Michigan.”<sup>203</sup>

In July, 1857, the *Daily Express and Herald* presented a long and detailed list of objections to the adoption of the Constitution. It would make all idiots, insane persons, and criminals competent witnesses; it would obstruct the operation of the laws requiring the rendering up of fugitives from justice from other States—whether horse thieves, murderers, counterfeiterers or robbers—fleeing to Iowa to be returned to trial from whence they fled; it would conflict with the Constitution of the United States and with the Constitutions of other States; it would enable the General Assembly to increase the pay of its own members; it would create unnecessary offices—useless in the government of the State and expensive to the people; it would open the door of equality between the black and white men and it would go beyond the province of a Constitution by locating the Capital of the State to suit speculators.

<sup>202</sup> *Daily Iowa State Gazette*, Vol. II, No. 300, June 18, 1857.

<sup>203</sup> *Daily Express and Herald*, July 12, 1857.

Furthermore, the Constitution would allow the creation of a public debt double the amount allowed under the present Constitution without submitting the question to the vote of the people. The Board of Education was considered an addition to the Constitution, and the section absolving it from legislative interference until 1863 might make it the fountain of obnoxious and despotic legislation. By the change in the section relating to Eminent Domain "it will be an easy matter to put a stop to every kind of internal improvement. Under it the wealth of the United States Treasury would not suffice to purchase a *right of way* from Dubuque to the Missouri river, if individuals along the line of improvement chose to set up for damages."<sup>204</sup>

For five months the campaign over the Constitution had been before the people. The final vote was to be taken on August 3, 1857, when the Democrats were to vote against the Constitution which was intended to displace the one under which the State of Iowa had passed eleven years of its history.

The Republicans, however, carried the day and in a total of 78,992 votes the Constitution had a majority of 1630. Of eighty-three counties making returns the Constitution had carried in forty-seven. The large majorities against it were cast in the counties of Appanoose, Davis, Dubuque, Jackson, Marion, and Van Buren.<sup>205</sup> One month later, on September 3, 1857, Governor James Wilson Grimes proclaimed the new Constitution to be "the supreme law of the State of Iowa."<sup>206</sup>

The period of the first Constitution is the *Sturm und Drang* period in the organic existence of the Commonwealth

<sup>204</sup> *Daily Express and Herald*, July 10, 1857.

<sup>205</sup> Shambaugh's *Documentary History of Iowa*, Vol. I, p. 260.

<sup>206</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. II, p. 109.

of Iowa. Its political and legislative errors give way to saner and more seasoned products of legislation and administration under the compelling environment of pioneer conditions and the adaptability of the American pioneer. The heat of early partisan politics tempered but did not destroy the equilibrium between party elements and legislative departments.

A segment of National history is revealed in this era. The legislature, the press, and the constituency vibrated responsively to the patriotic tide of the Mexican War. The policies of Webster, Clay, Douglas, and Chase are reëchoed in party platforms and tested by the saner reason of the voter. The compromises of 1850 the State of Iowa regarded as a peace offering; and the disintegration and the metamorphosis of political parties of 1854-1856 receives abundant illustration in Iowa. The career of the Know-Nothings in Iowa would furnish interesting details in a national picture of that organization.

It was the Kansas question that crystallized the issues of slavery in Iowa and in 1854 moved Iowa into the rank of the anti-slavery column of States. It was the Kansas-Nebraska Bill that dissolved old and traditional party ties and made the various anti-Nebraska elements politically cognate. The death of an old party and the birth of a new were the potent results of this quiet revolution.

The Democratic Constitution of 1846 received in this period the test of Democratic, Whig, and Republican administrations. The increase of the State in population, wealth, and industrial possibilities rather than political agitation, constituted the real forces that worked for its revision. With a divided Democratic opposition under a Republican reign, there were engrafted upon the Constitution more liberal economic provisions which still remain as a part of this charter of government.



The reconstruction of a political party history must ever bear the defects that a half-century of age renders to it. The objective facts concerning dates, candidates, conventions, campaigns, and platforms will ever lack the living spirit and the vigorous life of a contemporary chronicle. The historian's pen may seek in vain to recall the intricate pre-caucus and pre-convention contests: it cannot penetrate the inner secrets of the campaign committees—their conferences, plans, and difficulties; it cannot resound the passionate appeals, and the arguments of the campaign speaker or the empty words as they flowed from the lips of the demagogue; the tragedies and comedies of defeated candidates, shattered hopes and realized ambitions cannot be recalled by the printed page; the deeper convictions of the voter, his indifference or his partisan pride remain but intangible recollections; and, happily, most of the fraud, trickery and corruption in the political history of Iowa fifty years ago has faded from record and memory.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

## THE AUTOBIOGRAPHY OF JOHN CHAMBERS

### INTRODUCTION

During the last year of his eventful life John Chambers, second Governor of the Territory of Iowa, wrote out in response to the request of his youngest son, Henry Chambers, an autobiographical sketch. For over half a century this important manuscript has remained in the possession of the family of Henry Chambers of Louisville, Kentucky, carefully preserved but never published.

As a result of correspondence with Mr. John Chambers<sup>1</sup> and a visit to Louisville, Kentucky, where he was entertained at the home of Mrs. Henry Chambers, Professor Benjamin F. Shambaugh, Superintendent of The State Historical Society of Iowa, secured the manuscript for publication by the Society. Acknowledgments are due, therefore, not only to Mrs. Henry Chambers and her family but also to Professor Shambaugh both for the discovery of the manuscript and for valuable advice and assistance in preparing its pages for the press.

Access was also had to other valuable material, among which was a shorter sketch of Governor Chambers, together with a record of the births, marriages, and deaths of his children. The sketch and entries are in the handwriting of Governor Chambers and are found in a small leather bound book entitled *Family Record*. At the close of his autobiography Governor Chambers in speaking of this record refers to it as his *Family Register*. It has seemed of sufficient value in a supplemental way to warrant its publication along with the autobiography.

<sup>1</sup> The grandson of Governor Chambers and the son of Mr. and Mrs. Henry Chambers of Louisville, Kentucky.

The writing of the autobiography is explained in a letter written by Governor Chambers to his son Henry Chambers on December 5, 1851, in which he says: "For some days past I have spent an hour or two in preparing the sketch of family History which you request in your last letter, but as I soon tire of writing it progresses slowly—I am pleased however that you made the request as neither of your brothers seem to have ever felt or expressed any interest in the subject. It will at last be a mere outline without interest to any person out of the family, when I get through I will send it to you."

Several weeks passed before the arduous work was completed. Indeed, it was not until January 12, 1852, that he wrote: "I send you by the mail that takes this the 'sketch' you asked for some time ago." Before the end of the month he must have received something of an enthusiastic acknowledgment from his son; for on January 26, he wrote: "I am glad you are pleased with the little 'Biographical Sketch' I sent you." In the same letter he laments his inability to put the material in satisfactory literary form saying: "It has been one of the troubles of my whole life that I never could attain a style in writing, with which I was satisfied and I never wrote anything and laid it a side for a short time, [in] which I did not find much to correct in the style & language when I came to examine it again."

"While on the subject of the 'sketch' ", he continued, "let me add that your brothers have both been here since I sent it to you and having mentioned to each of them the fact that you had such a paper, Sprigg said he would get you to copy it for him and Frank very modestly requested that I would write a similar paper for him, which I assured him I would not do. They had both been very anxious for something of that kind, but unwilling to ask for it, for fear of giving me trouble."

The original manuscript covers thirty-three closely written pages about eight by ten inches in dimensions. It is in the characteristic handwriting of Governor Chambers and is quite legible. In editing the work the effort has been to make as close a reproduction as possible in the matter of spelling, punctuation, and capitalization. Letters and words have been supplied in editorial brackets and foot-notes added simply to make clear the context.

JOHN C. PARISH

#### AUTOBIOGRAPHY

Washington Kentucky 2d December 1851

My dear Henry

In your letter of the 27th ulto. you say you "have often had occasion to regret your ignorance of our family history and near connections" and ask me at some leisure time to give you "an outline sketch of it, particularly my own life and its prominent events." And as that which is to be done ought always to be done promptly, especially with persons of my advanced age and unstable health, I proceed to comply with your request, promising that there is very little in our family history to distinguish it from the history of thousands of other families in this country.

I never saw either of my grand parents, or any relative of my beloved mother. My grandfather Chambers, with two or three of his brothers, were early settlers on the Juniata river in Pen[n]sylvania where my father and his three brothers, and one sister were born. the family were the (I think immediate) descendants of Irish parents, but I have understood that they were of Scotch origin, and from a conversation between my father and a very aged Scotchman when I was a boy, I learned that my more re-



mote ancestors were of the Scotch clan Cameron, and bore the name of the clan, but refusing to join in the rebellion of 1645, they were compelled to emigrate, and took shelter in Ireland, changing their name to Chambers, which they were afterwards permit[t]ed by an act of the British Parliament to retain, from Ireland therefore came the first of the family of which I have any tradition. My grandfather married an Irish woman whose name was Sarah Lee, a woman of strong and cultivated mind and imperious temper—they had four sons, of whom my father (Rowland) was the oldest, and one daughter.<sup>2</sup> My uncle James was the next oldest to my father, then came Joseph, Benjamin and Betsey, the latter of whom I never saw. My father in early manhood was sent to New York and was employed as a clerk in an extensive mercantile established<sup>3</sup> belonging to a Mr. Joseph Forman, who had married Betty Lee, my grandmothers sister. From your grandfathers account of Mr. Forman, who was always called by a numerous connection “Uncle Josey”, he must have been one of the most excellent men of his day—his wife, a woman of vigorous intellect and violent temper, was just the reverse of her husband—they were the parents of I think five sons, the only one of whom, who made *much noise* in the world, was David who rose to the rank of general in the State line of the Jersey militia in the War of the Revolution, and was notorious for his active and energetic pursuit of the adherents of the British Crown, then called tories. they were numerous in the lower counties of New Jersey, and some of them became the victims of their ill judged attempts to

<sup>2</sup> An unpublished genealogy of the Chambers family, prepared by Mr. Harry Brent Mackoy, a great grandson of Governor John Chambers, names seven children of this marriage—four sons and three daughters. One of the daughters is presumed to have died in early childhood. The remaining six children are mentioned in the will of their father, James Chambers.

<sup>3</sup> The word “establishment” was evidently intended.

subject their Whig neighbors to the depredations of marauding parties of the British Army, and their adherents—Genl. Forman, then commonly called by them “Black David” was charged with the illegal and murderous execution of some of them, without trial, and it lead to retaliation on the part of the British. these charges against Genl. Forman were unfounded, the utmost extent of his conduct went no further than to hunt diligently, and punish promptly, under the sentence of Courts Martial, such tories as had made themselves active partisans against their country, this I have ascertained from several of the old officers of that day & it was confirmed by your grandfather. Of “uncle Josey’s” other sons I rem[em]ber only the names of Ezekiel and Joseph, they were all respectable, but not distinguished men—“Uncle Josey” was a brother of the great grandfather of the present generation of the Formans now residing in this county and including your brother-in-law Mr. J. S. Forman his brothers & sisters, that is to say, he was the uncle of old Mr. Thos. Forman who lived & died on the old Forman farm adjoining this old town. After the death of my grandfather and mother, my aunt Betsey ([their only daughter) then a young girl, was placed under the care of her aunt Betty Forman, (who had no daughter) and was so har[s]hly & crueally treated by that wretched woman, as to render her insane, before even my father, who lived in the family discovered the cause of it. After her recovery she married a Mr. Irvin and became the mother of several children, one of whom, a man of gentlemanly manners and fine appearance, once called on me at Washington City—held some place in the quarter master’s department I think, but I have no further knowledge of him. My uncles James and Joseph settled at an early day in the western part of Pen[n]sylvania, the former had but three children, two sons and a daughter. In the year 1840

I saw the youngest of the sons at C[h]illicothe, he was an extremely rough man, and told me he was the only survivor of his fathers family, had himself a large family and was poor—he lived in Ohio. My uncle Joseph removed to Ohio and lived in Jefferson county, some miles from St[e]ubenville. he raised a very numerous family, and died a few years ago at a very advanced age—I have seen two of his sons, and have learned that a larger portion of the family are by no means respectable. Your grandfather remained in New York several years after the death of “Uncle Josey Forman” engaged in some business connected with the foreign commerce of that city and went several voiges to European ports, after which he married my mother whose name was Phebe Mulican,<sup>4</sup> an orphan girl raised on Long Island. I have heard her say that when she was married she had no living relatives that she knew of, except one brother who commanded a vessel trading between N. York and Liverpool which perished shortly afterwards at sea, with all who were on board of her— After the birth of your uncle William and Aunt Davis (in New York) my father formed a partnership with a Mr. John Martin, an Englishman, who owned a fine farm and extensive mills on the north branch of the Raratin river,<sup>5</sup> in Somerset County New Jersey, at a place called Bromley Bridge, but afterwards extensively known as the Burnt Mills—<sup>6</sup> They established an extensive retail store at that place and dealt largely and prosperously in the produce of the country, ’til the War of the Revolution commenced—Mr. Martin claimed large estates in England and perhaps

<sup>4</sup> This name is spelled in the Mackoy genealogy, Phoebe Mullican.

<sup>5</sup> The Raritan River.

<sup>6</sup> Neither the name Bromley Bridge nor Burnt Mills appears on the map of New Jersey to-day, but the place may be approximately located by its position on the north branch of the Raritan River, in Somerset County, New Jersey, two miles from Pluckemin. See page 254.

was allied to the aristocracy of that Kingdom, and finding his position in the United States (Colonies) becoming dangerous, he sent to my father to collect all the money he could and meet him in N. York without delay, he did so, and gave what money he had raised to Mr. Martin without well understanding the object he had in view. Mr. Martin then told him that he was hiding from the American authorities, and had a vessel in port ready to sail for England the moment he went on board. Your grandfather urged in vain the necessity of some adjustment of their business, but Mr. Martin was too much alarmed for any thing of that sort, but assured my father that on his arrival in England, he would immediately furnish him with full evidence of perfect right to all property in Jersey which in the meantime he was to consider as his own including the lands & mills. Mr. Martin left, and died soon after his return to England. My father settled up the business, paid all the debts and discontinued the store, but kept the mills in operation until a flash of lightning struck & consumed them at noon day, with a large amount of flour and grain. In the meantime Independence had been declared and the Revolution was in full progress. Your grandfather became an enthusiast in the cause, lavished all his means in support of it, took the command of a regiment of the Jersey Militia, and from exposure in his first tour of duty became a cripple from a rheumatic attack, which rendered him unable to mount his horse, and after being lifted to and from his saddle for some time, was compelled to retire from the service, and I think never resumed his command, but as soon as he was able, was again actively employed in obtaining supplies for the army, yielding up without compensation or account the products of his farm and expending his means without stint. I remember to have seen a note to him from Genl. Washington, written after the battle of Trenton, when en-



camped at Plackimin,<sup>7</sup> two miles from the Burnt Mills, describing the shoeless and naked condition of the army in the midst of a severe winter, and their *total* destitution of provisions, and appealing most earnestly to your grandfather to endeavor to send them *something* to eat—(I have often regretted the loss of that note.)

When your grandfather moved into New Jersey he took with him his youngest brother, (Benjamin) then a youth. At the commencement of the war he procured for him a Capt[ai]ns Commission in the regular army, in which he served until the close of the war retiring with the rank of Majr.(all the officers having been promoted one grade before their discharge)— he then settled in Maryland and married his cousin, a daughter of Mr. Ezekiel Forman, one of the sons of “uncle Josey”. he was for many years Clerk of the Superior Court of Cecil County, & known as General Ben. Chambers. He was the father of the present Judge of the Supreme Court of Maryland, Genl. Ezekiel Forman Chambers, who[m] I first met with in the winter 1828 as a Senator in Congress from his state, he was then a general of the state of Maryland. he had several brothers & sisters whom I have never met with, two of the former settled in Mississippi as cotton planters, one of whom died there, but the other was alive the last time I heard of him.

After the War of the revolution your grandfather found himself greatly reduced in his circumstances, but full of enthusiasm at the glorious result of the War, and being a man of very remarkable vigor of intellect, prompt and capable, he was in attendance upon all the public meetings preliminary to the formation of the government, and constantly associated with the officers of the late army, he soon fell into intemperate habits (as did a very large proportion of the Officers of the late army.) Business was abandoned

<sup>7</sup> Pluckemin, Somerset County, New Jersey.

or so neglected that everything went to ruin. And to cap the climax, the Heirs of Mr. Martin came over from England and claimed the land we lived upon, and Mr. Martin not having performed *his* promise to convey it, before his death, it had to be given up, and thus the family were without a home and with very slender means of support, in this immergency, your uncle William returned from the Western Wilderness where he had spent two or three years, and gave so glowing an account of Kentucky, that it was determined that the family should emigrate, and all the stock and other property that remained was sold off, and two Jersey waggons procured with two stout horses for each, and thus equip[p]ed, with some beds & their furniture, the clothing of the family and necessary provisions, in the summer of the year 1794 we commenced our journey to "the land of promise." And after a most tedious and laborious journey across the mountains, we reached the Monongahela river, where we were detained several weeks before we could get boats to prosecute our journey, and there we found ourselves surrounded by the "Whiskey Insurrection"—a rebellion against the payment of duty on stills & distilled spirits. We were accompanied on our journey by the family of Mr. Robt. Davis who had married my oldest sister, (your Aunt Davis who[m] you remember) and of his brother Mr. Peter Davis, each of whom had a waggon and team, these two families preceeded us in the first boat that was finished & we soon followed and joined them at this place. Your uncle Jas. Chambers was left in New Jersey as a clerk in a country store, his health being delicate it was doubted whether he could bear the journey, which of course had to be performed on foot, by the male part of the family. Arrived in Kentucky, the family consisted of my father and mother, my two youngest sisters, your uncle Benjamin and myself. I was now fourteen years

old and my education had been sadly neglected. I could hardly read or write intelligibly, and had passed rapidly and carelessly through the common rules of Arithmetic, and had my language corrupted and mixed up with a sort of "low dutch" (descendants of the Hollanders who first settled New York (New Amsterdam) and from thence spread over New Jersey, and with whose descendants I had been associated as playmates and school-fellows.[ ]) A few days after we became settled here, My father in a fit of ill humour, which had now become very common with him, told me I must seek some employment and that he could not maintain me in idleness— two hours afterwards I was behind the counter of a new comer by the name of Moore who had just opened a small stock of goods. he paid my board, and when he had pretty nearly sold out his stock, I found employment on the same terms behind the counter of a Mr. Wiggins. the next spring your uncle Wm came and proposed to send me to Lexington to go to school at the "Transylvania Seminary", and in March 1795 I went there — in July a vacation occurred and there was some difficulty in the school which I thought rendered it doubtful whether it would be resumed, and as my brother had by frequent admonitions to diligence and some estimates of the expense of my education, convinced me that he could not afford to educate me there, I determined to return home, to which my father yielded with manifest displeasure, and was very stern and distant with me when I got home. I found he was cultivating a little field of corn, & the morning after my return I got up early and fed & watered his old horse and went to ploughing— Nothing was said, and after several days diligent labors I had put the little field in good order, and then, for the first time went down town, where I found a new store just opening under the firm of Brownson [?] and Irvin, and soon became their assistant behind

the counter. In all these employments a part of the agreement was that they were to pay my boarding *at home*, so that by early rising I could always make my mothers morning fires and bring water for the days consumption. I was now drawing towards the close of my fifteenth year and continued with these gentlemen until I was seventeen, and became very much attached to them, as they seemed to be to me

The next year, Mr. Robt. Davis having removed to Augusta and your Aunt Logan (who was married soon after we reached Kenty. under an engagement made in New Jersey) to Jefferson County and my sister Polly having died in the summer 1795, it was thought necessary that my father and mother should go to Augusta to be near one of her daughters, because my mother had then become subject to periodical fits of strong convulsion, which it may be well here to remark continued, during the residue of her long life to afflict her, without in the least impairing her general health or her mind.

In the year 1797, District Courts were established in Kenty., and the seat of one of the Courts fix[ed] at this place, and your uncle Francis Taylor, then a practising lawyer was elected Clerk of the Court— The jurisdiction of this Court was limited to important civil cases and to the trial of criminals & and consequent[l]y the fees of the Clerks office were very inconsiderable and but for the hope that additional jurisdiction would be extended to the Court, the office would hardly have been worth holding. Towards the close of 1797 Mr. Taylor applied to my employers to release me and let me go into his office, which with some reluctance they consented to. Mr. Taylor had a tolerable library for that period and urged the benefits I might derive from reading and especially in studying law, which the small amount of business in the office would enable me to do.



He agreed to board me and cloth[e] me, I finding my own bed & furniture and he proposed that my father should bind me to him until I was twenty one years old, which I agreed to, with the remark that an Indenture of that kind would do very little good, as if a sense of duty did not bind me, the indenture would not, and I never heard of the indenture afterwards—I applied myself with unremit[t]ing attention to the business of the office and at the end of six months thought myself the better clerk of the two, and indeed was able to do all the duties of the office with very little instruction from anybody. In the Spring of the year 1800 Mr. Taylor wished to remove to his farm on the river, and proposed to me to give me the fees of the office, if I would stay in town and take charge of it—he was not willing to resign because he still clung to the hope of its becoming more valuable. I accepted his proposition and kept an accurate account of the available fees for one year & found them fall something short of four hundred dollars, at which I had estimated them. In Novr. of that year, one month after I attained my twentieth year I obtained a Law License, for which I was certainly anything but well qualified, but I had read a great deal in three years, not only of law, but of almost every thing I could lay my hands on. And thus at twenty years old I found myself a lawyer, by *License*. The next Spring finding my mothers situation by no means comfortable notwithstanding that I had appropriated a considerable part of my little income to her use, I proposed to bring her and my father here and to live with them this I soon accomplished, and soon succeed[ed] in making her more comfortable than she had been for many years. This was a source of great gratification to me, for I loved & venerated my mother beyond all others of Gods creation, and the arduous & suffering struggle she had made to raise her children and keep them together when

young, and impress correct principles upon their minds, entitled her to all, and much more than all, I was ever able to do to make her happy. . . . .

. . . . . My father . . . . .

. . . . .

. . . the autumn of 1821 when . . . . .

. . . he sunk to the grave in the 66th year of his age, and thus ended a man endowed by nature with an uncommonly clear & vigorous mind, educated, & possessing the highest qualifications for business . . . . .

. . . I had now begun to obtain some small business as a lawyer, and occasionally a case which gave me an opportunity of exercising my speech-making faculties, and I was enabled to keep a servant for my mother and to live comfortably with strict economy, and thence forward was made to feel that my efforts to *get along* were appreciated favourably, and a good [d]eal of small business in the inferior courts came into my hands. Ardent and devoted to my clients, they soon became friends, all which improved my prospects and increased my business. About the latter part of the preceeding year my brother James came to Kentucky & brought with him his wife and one child. (now Mrs. Phillips). In the Session of the Legislature of 1802-3 the district and quarter sessions courts were abolished and in their stead Circuit Courts established, embracing the jurisdiction of both. Here was a clerkship established worth having, this took away a part of my means of living, but I felt that I could live without it. Mr. Taylor who had lost an office worth nothing to him, and Capt[ai]n Thos. Marshall who had lost the quarter sessions court clerkship worth a handsome annual income, were candidates for the new office. I was urged by my friends to enter the lists,

and I believe if the office had been then, as now, elective by popular vote, I would certainly have obtained it, but I hesitated until advised by one of the three judges upon whom the appointment depended. He advised me to offer assuring me of his vote, and of his belief that another would vote for me, but he was mistaken, that one really prefer[r]ed Capt'n. Marshall, who finding that neither of the others would in any event vote for him, joined with the third judge to persuade his friend to vote for Mr. Taylor.—this I learned long afterwards. I consented however to enter the list of candidates and here seemed for a while to be the turning point of my fortunes. I was denounced immediately as a monster of ingratitude towards Mr. Taylor, who it was said had taken me into his office through charity, and now I had the presumption to oppose him for one of the most valueable offices in the state—to all this I only replied that I did not believe Mr. Taylor would deny that I had faithfully fulfilled all my obligations to him, and that I certainly never would have entered his office, with either an express or implied understanding, that through all time to come I must yield to him unresistingly every office for which he might choose to be a candidate and especially an office which I had served four year to quallify myself for. But there was more involved in the controversy than the office or the question of gratitude to my late employer. In the preceeding year his half sister, Margaret, the only child of his father by his second wife, came to Kentucky on a visit to her brother and his family— She was an accomplished and lovely girl and from my earliest acquaintance with her I became attached to her, and at the time this clerkship was depending we were engaged to be married, but the secret rested with ourselves. I consulted her about withdrawing from the contest as the evident effect of it was to estrange her brother and myself and insure his op-

position to her fathers consent to our marriage. She met the question as only such a woman could. She said my withdrawal and our subsequent marriage would give rise and plausibility to the imputation that she was sold to me as the price of my withdrawal from the contest, and altho she knew her brother, being an only son, had great influence with her father, she did not fear it. She had been raised in his bosom from her very infancy, without a mother, and she knew he had confidence in her judgment and prudence and would not sacrifice her happiness under any influence that could be brought to bear upon him. Mr. Taylor was elected Clerk and I soon after informed him of my engagement to his sister, and stated my object in doing so, to be to give him time to communicate with his father, as his sister & myself were both about to address him on the subject, the reply was very stern and to the effect that he would immediately send his sister home to her father. I told him such had been her wish, but that her health was then very delicate and I had earnestly advised her against encountering the journey of 500 miles on horseback, (then the only means of travel,) he answered that she could as well make the journey then as when she came to Kenty I reminded him that more than half the journey had then been made on the river and that her health was then good. he persisted however in saying that she should return immediately to her father, and upon my telling him that in that case I should accompany her, he answered abruptly that I should not do it— here I thought forbearance ought to stop and I told him so, and that I would in defiance of him or anybody else go with her, and that any attempt to obstruct me would be fatal to who ever made it— That if he would treat her kindly until her fathers pleasure was know[n], that it was her determination & mine for the present to submit to it. I heard no more of her being sent away, and



in due time her father answered her & her brothers & my letters, regret[t]ing that she had placed her affections upon a young man who[m] he did not know and could not judge of, and especially one whom her brother disapproved of. To Mr. Taylor he expressed his regret at what had taken place, but said he had raised that daughter without a mother and she had inspired him not only with the most unbounded affection, but with great confidence in her judgment and prudence, and to her he was willing under all circumstances to commit her fate in the matter of her marriage, and that his, Mr. Taylors opposition to her marriage he hoped would at once cease. to me he said that nothing but his unbounded confidence in his daughter could have induced him to consent to her marrying a young man, poor, and dependent upon his own exertions alone for even a living, which he commended my candour in stating to him without reserve. He concluded by saying he was not able or willing under existing circumstances, to make advances to his daughter. We were shortly afterwards married at Mr. Taylors,<sup>8</sup> and a melancholy scene it was, one young man at my request, and one young lady at hers, attended—the next day I took her home, for I had provided a home for her tho[ugh] a poor one. I took her the next year to visit her father and after giving birth to two still born children (both females), she died in rather less than four years after our marriage.<sup>9</sup> In her death I met the first shock of that kind, after I attained manhood. it was a severe one, and I felt as if I was alone in the world. In the year after our marriage her father expressed his wish to send her some servants, but I declined it, hinting gently at his former remark on the subject. But my old friend Mr. Vestner [?] then a merchant here called to see Majr.

<sup>8</sup> This marriage took place on June 16, 1803.

<sup>9</sup> The date of her death was March 4, 1807.

Taylor and advised him to send the servants, for which purpose he made arrangements, and the first knowledge of it I had, was the arrival of the servants—a woman and boy, a small girl and three children, at the death of their Mistress I (as she had wished) emancipated the woman, and then applied to Mr. Frank Taylor to receive the others for his father, as under the laws of Maryland they could not be sent into that state again, he refused and said he knew his father would not receive them, and it so turned out. he said there was no person so well entitled to them as I was.

On a subsequent visit to Maryland I found your dear and excellent mother, just in the full bloom of womanhood, admired by every one, and sought after by some gay dis[s]ipated and unpromising young men of “the first families” I at once saw her danger. her mother had died two or three years before and she was at the head of her fathers family. I advised her aunts and sisters to caution her against two young men particularly, as unworthy of her, but the answer was, they were young men of great promise and well connected and would be good matches for any girl in the County. My first wife had been dead but a few months and I felt the delicacy of proposing so soon to marry again. I pondered seriously upon it, and ask[ed] myself the question shall, I leave this young and lovely creature to be sacrificed to a reckless sot, or enter the lists and carry her off, to wait longer may be fatal to her future happiness. I hesitated no longer and in a few days she flew to my arms for affection and protection, and no wife ever more deserved or enjoyed both— here let me remark that both the young gentlemen, I had wished *her* to avoid, married lovely girls whose parents were rich (one of them a cousin of your mother) and ended their respective car-

ries<sup>10</sup> before middle age in great poverty and perfectly besotted.

Upon communicating to your grandfather Taylor my wish to unite myself again with his family, he expressed great pleasure at it, and on my return to Kenty. your uncle Taylor was kind enough to say that if he had had to choose a husband out of the whole circle of his acquaintance for his sister, the choice would certainly have fallen upon me. Your grandfather<sup>11</sup> died before my return to Maryland, suddenly, at McConnellstown in the mountains, when returning from the Bedford Springs w[h]ere he had been in the hope of finding relief from a severe attack of gravel, to which he had long been subject. I found his three orphan daughters residing with their sister Mrs. Jos. Sprigg,<sup>12</sup> who married your Uncle Sprigg on the same day that your grandfather married his half sister, Mrs. Hall,<sup>13</sup> afterwards the mother of the three orphans I have just mentioned. I married your mother and brought her immediately to Kentucky, and went on prosperously in the practise of my profession, until in an evil hour, I was induced to engage in the Hemp business, built a Rope walk and at the end of four or five years found myself twenty thousand dollars loser, and in debt beyond my means of immediate payment. I kept my business to myself and maintained my credit until I struggled pretty well through my indebtedness, living economically and wasting nothing, about this time (1812) the United States were compelled by circumstances to declare War against Great

<sup>10</sup> The word "careers" was evidently intended.

<sup>11</sup> This refers to Ignatius Taylor, the father-in-law of John Chambers.

<sup>12</sup> Evidently a daughter of Mr. Ignatius Taylor by his first wife, and a sister of Mr. Francis Taylor.

<sup>13</sup> Mrs. Barbara Bowie Hall was the third wife of Ignatius Taylor and the daughter of Mrs. Hannah Lee Bowie who later married a Joseph Sprigg. See page 275.

Brittain. the whole country was thrown into great excitement. Men of business were required for Legislators and I was made a candidate for the House of Rep's and elected through a very fierce and close contest, and was fortunate enough to please my constituents. The next year I declined being a candidate, intending to make a campaign that fall if possible. a good many voted for me notwithstanding, the present Judge Reid was a candidate and very popular, having made a bloodless campaign of thirty days the preceeding fall. he was of course elected, and I believe he yet thinks he achieved a triumph over me on that occasion. The winter of 1812 while I was a member of the Legislature was a time of deep and painful feeling in Kentucky. Genl. Hull<sup>14</sup> who had been intrusted with the command of about two thousand men to strengthen DeTroit had ingloriously surrendered that post. General Winchester<sup>15</sup> followed with a large but temporary force, enlisted for thirty & sixty days. Many of them were Kentuckians Genl. Harrison<sup>16</sup> then governor of Indiana, who had distinguished himself at the Battle of Tippecanoe in the preceeding year against an Indian force, was now invited to Kentucky and upon coming here, tho[ugh] not a citizen in fact, was appointed a Majr. General of Kentucky, and led out a portion of the force intended for Winchesters command who[m], (he being only a Brigadier General,) Harrison under his Kentucky commission took the command of in chief to the great gratification of the army, but feeling the awkwardness of his position as a states officer commanding a U. S. general who had been expressly designated to the command, he, after organizing the army as well as he could, prepared to retire and had made his farewell address

<sup>14</sup> William Hull.

<sup>15</sup> James Winchester.

<sup>16</sup> William Henry Harrison.



to the troops, when an express<sup>17</sup> reached him, with a U. S. Majr. Generals commission, and orders to assume the command in chief, which he did and immediately detached Genl. Winchester to advance rapidly to the rapids of the Maumee river and there secure his position, and wait the arrival of the main body of the army. but instead of obeying his orders, Winchester pushed on to the river Raisin<sup>18</sup> within striking distance of the British and Indian stronghold at Fort Malden, from thence he informed Genl. Harrison of what he had done, and urged his advance. Harrison at once saw ruin in the movement, it was midwinter, the ground covered with ice & snow, and it was impossible to save these in advance, and he immediately so informed Govr. Shelby<sup>19</sup> by express and urged him to stand ready to reinforce him. He then proceeded by forced marches, but before he could reach Winchester he met the few fugitives from the battle ground<sup>20</sup> who had escaped massacre and capture, and fell back to Maumee, where he erected Fort Meigs, and awaited the arrival of reinforcements. Govr. Shelby had communicated Harrisons letter to the Legislature and with closed doors they had prepared the necessary measures for the anticipated result of Winchesters disregard of orders. The news of the defeat came by express & arrived after night and was suffered to spread in a crowded theatre, where the wives and daughters of nearly two full companies and many office[r]s were collected. I never saw and hope never to see again such another scene of wild distress and agony. Many were helpless widows and orphans, who went there as they thought happy wives

<sup>17</sup> The word "express" is evidently intended.

<sup>18</sup> The River Raisin flows into the west end of Lake Erie between the Detroit River and the Maumee River.

<sup>19</sup> Isaac Shelby, Governor of Kentucky from 1792 to 1796 and from 1812 to 1816.

<sup>20</sup> This disaster on the River Raisin occurred January 22, 1813.

& children. Immediate measures were adopted to reinforce Harrison, but it was about midwinter and the weather unusually severe, and before the troops could be embodied, clothed & provisioned Spring came, and with the return of Spring came the British & Indians to the attack of Fort Meigs. During the seige, the Kentucky reinforcement approached, and an express sent out in the night from the fort, directed the advance to take boats, land just above the fort on the enemies side, destroy some batteries there, spike the guns and return immediately to their boats and descend to the Fort in full view. The landing was affected, the guns spiked and all precisely as ordered, but having driven off the enemy stationed there, the impetuous Kentuckians must have a race after the flying enemy, and their gallant Colo. Dudl[e]y<sup>21</sup> could not controul them. this gave the whole British and Indian force from below time to meet them, and a slaughter commenced. Many were kill[ed], more made prisoners and a few only reached the boats and landed safely at the fort. The British shortly after retreated and the fort remained safe, but they renewed the attack afterwards, when the fort was under the command of Genl. Green Clay,<sup>22</sup> Genl. Harrison being in the interior of Ohio preparing for the increase of his force and to advance upon the enemy. the seige again proved abortive and the enemy retreated to their stronghold, (Fort Malden.) I have given you this historical detail rather as a key to my own subsequent course than from any necessity for it, because it might all be found in the official correspondence of Genl. Harrison of that period. The excitement throughout Kentucky consequent upon the defeat of Winchester and Dudley was excessive, and revenge for the slaughter of our citizens

<sup>21</sup> William Dudley.

<sup>22</sup> Green Clay of Kentucky was the father of Cassius M. Clay and a cousin of Henry Clay.

was the order of the day. In the summer succeeding, Govr. Shelby offered to lead in person, a body of men to the support of Harrison sufficient to insure success. His offer was accepted and in August he marched with about 3500 men all on horseback. Just before he set out he wrote to me offering me a place in his staff, but I had previously promised to join Genl. Harrison as a volunteer aid de camp, as soon as he would inform me that the active operations of the campaign were about to commence. Here it is proper to remark that Genl. H. and myself were strangers and that his invitation to me, was given upon the recommendation of some of the officers of the army to whom I was known, and in August he requested Colo. Bodley who was returning from the lines to call on me, and urge my joining him immediately. I did so, and found him at Camp Seneca<sup>23</sup> on the Sandusky river about the first of September, and was announced the next morning in general orders as an aid of the commander in chief. Here was entirely a new Theatre for me. Ignorant as the horse I rode of everything like military life, I had to begin with the a, b, c, of my study, but determined to make myself useful if possible, I began to look about me for something to do, and from the deranged state of the Genls. military papers, I soon found employment for myself and two educated soldiers, (drunken lawyers who having ruined themselves by their intemperance took shelter from starvation by enlisting) with their labour under my direction I soon produced order out of confusion, to the generals very great gratification.

On the tenth of September Commodore Perry<sup>24</sup> encountered the British squadron on Lake Erie. We could hear the guns at Seneca, near ninety miles from the scene of

<sup>23</sup> This camp was located on the Sandusky River in the northern part of what is now Seneca County, Ohio.

<sup>24</sup> Oliver Hazard Perry.

battle, the next morning the Genl. gave orders for the advance of the army towards the Lake, and followed the first detachment accompanied by myself and two Indians about five miles from the camp and an equal distance from Lower Sandusky he received by express, Perry's celebrated note—"We have met the enemy and they are ours"—he then advanced at full speed and instantly ordered off all the force at Lower Sandusky towards the Lake and the next morning followed them with a regiment of Pen[n]sylvanian's, and that evening we found ourselves encamped on the shore of the Lake with a few artillerymen and their guns, the next day the troops from Seneca began to arrive and the succeeding day Govr. Shelby came in with his great reinforcement. In a day or two Commodore Perry landed his prisoners and in the next three days the army embarked for Cannada in the ships of the squadron & eighty old transport boats. We landed at "Put-in Bay" on the Isleland and concentrated the army there, from thence in two days reached the Cannada shore. The Kentuckians horses being left on the American side. The remainder of the campaign is history and I must refer you to it. My own part in it remains to be told, it was much more distinguished by cheerful, and perhaps energetic discharge of all the duties assigned to me, than by any personal achievement. Yet I was specially noticed, with a few others, in the generals official account<sup>25</sup> of the battle of the Thames,<sup>26</sup> as having given Genl. Proctor<sup>27</sup> a severe chase after he fled from the battle ground, from which Harrison said he only escaped "by the fleetness of his horses." It was an act of great

<sup>25</sup> See report of General Harrison to John Armstrong, Secretary of War, October 9, 1813.

<sup>26</sup> In this battle, fought on October 5, 1813, the American army under General Harrison completely routed the combined forces of the British and Indians.

<sup>27</sup> Henry A. Procter was at that time in command of the British forces.



rashness, rather deserving censure than praise, for nine of us to pursue a British Genl. with his life guard of forty dragoons, and some Indians until night stop[p]ed us, but like many thousands of other acts of rashness in battle, it became fame, as far at least as the circle of our personal acquaintance extended.

At the close of the campaign, I received a letter of thanks from the commanding General, with permission to return to my family, his thanks to his aids by name were also expressed in his official letter to the Secretary of War. I pushed for home without delay and found my family uniting in the general rejoicing through out the land in the glorious result of the campaign. Thus ended my very brief military carier, and I have often thought of it since as one of the follies of my younger days.

I had left a wife and three children at home, badly provided for if I had have died or been killed, to engage in a business of which I was wholly ignorant and in which the chances were more than equal that my ignorance would expose me to ridicule if not to censure. The next year I was urged to be a candidate for the Legislature but declined it. The succeeding year I was elected very contrary to both my inclination and interest, (Your uncle James Chambers was elected at the same time to the Senate, having frequently served before in the House of Representatives) from thenceforward my rapidly increasing family deter[r]ed me from engaging in popolitical life again until 1828, when a very exciting election in which the member of congress from this district resigned his place and was the Whig candidate for Govr. (Metcalf)<sup>28</sup> brought me out by the nomination of a convention to supply the vacancy. I was

<sup>28</sup> Thomas Metcalfe was a member of Congress from Kentucky from 1819 to 1828, was Governor of that State from 1829 to 1833, and was in the United States Senate from 1848 to 1849.

elected and at the end of the term again retired. In 1831 and 1832 I was again a member of the State Legislature. In the last of those years I was offered a seat on the bench of the Court of Appeals on the recommendation of both the political parties of the day, but declined it, and in the winter 1834-5 was appointed to that Court and would probably have taken my seat in it, but a severe attack of dyspepsia deter[r]ed me and I resigned in April, and soon after became a candidate for Congress, partly in the hope that the exercise and excitement of the canvass would restore my health, and it did do so effectually. I was again elected and again in 1837. In March 1839 I retired. Here I should have remarked that the death of your excellent mother took place in Novr. 1832 but for which I should probably never have again taken any office which would separate us for any considerable time, but your sister Hannah and her husband having come to live in the family, I felt that my children would be as safe with her affectionate care of them, as if I remained with them & I again launched into politics as I have stated, but when I retired in 1839 I had determined to continue in private life and to continue my practice as a lawyer, then considerably diminished by my frequent and long absences in Congress. But the candidacy of Genl. Harrison in the next year again forced me into the political arena. The infamous slanders propogated against his moral and military char[ac]ter, render[ed] it a duty incumbent upon those who knew personally the falsehood of many of those slanders, to stand forth in his vindication. I was one of those, and from the great convention here in April of that year until the election I devoted myself to the work, as the general & many others were pleased to say, with considerable efficiency. This with his previous friendly feeling towards me, rendered me a marked personal favorite with him, which in the honesty of his heart, he fre-

quently stated before and after his administration commenced, to my no small annoyance, for it brought upon me innumerable applications for the exertion of my supposed influence, to obtain offices for friends and even strangers, which to avoid becoming an annoyance to him I had determined not to attempt for *any person*, and I carried it out. I went with him to Washington and with the understanding that I was not to be recognized as such, performed the duties of his private Secretary which place was to be filled by his son-in-law, Wm. Taylor, as soon as he was able [to] join him with his family. The General (now President) avowed to his cabinet his wish to induce me to remain at Washington, and he charged them to designate some office for me which would induce me to do so. The Office of Treasurer was designated as the least laborious & best paid of any other. I declined it, and he became evidently anxious & uneasy on the subject, and when I determined to return home, he told me it would have a most singular appearance if I did not take office under his administration that, it was universally expected and if I refused it, it would render my friends who were also his, unfriendly towards him. I told him I could easily obviate that by causing it to be published as upon my authority, that my private affairs had induced me to decline office, but this did not seem to satisfy him, and I at last told him I would accept the office of Govr. of Iowa, which he had proposed and I had previously refused, but I told him it was probable that I should retain that office but a short time. I was appointed the same day, but urged by some of the cabinet not to accept, but to agree to remain which it was urged was essential to the Presidents happiness, as his heart seemed to be set upon having me near him, but I had upon very mature reflection come to the conclusion that the personal friend & confident of a President was by no means

so enviable a position as was generally supposed, and that the very reputation of occupying it was the certain means of creating unceasing & inveterate vituperation & slander. In one short month the kind old man was called to his final account.<sup>29</sup> I closed his eyes, saw him laid in his vault, remained with his daughter-in-law and grand children one week, made private memorandums of his business for his son and set out for Iowa. You know the rest. I served under his appointment four years, was reappointed by President Tylor and removed by James K. Polk, about six or seven months after he came into the administration to make room for a political partisan. this probably saved my life for the time being, for my health had so entirely failed that that I could not have sustained myself under a further prosecution of the laborious duties of office. I should too have considered myself in some measure degraded by holding office subject to removal by Mr. Polk. I knew the man personally— he was a third rate statesman, a sprightly county court lawyer and an unscrupulous partisan.— Peace be to his ashes.

Thus ended my political & professional life, for both my age and health forbid the idea of a further prosecution of the latter.

In this sketch of our family and of my own life, I have in order to render the chain unbroken as far as I could, passed over some other family relations which must now be supplied. My grandfather Chambers had one, and perhaps more sisters, but I have been only able to trace the descendants of the one who married a Mr. Alexander and settled in Virginia. I have met with a number of her descendants, of whom the late Judge McClurg was one, on his mothers side. Jas. Alexander Paxton, was another— an obscure

<sup>29</sup> President Harrison's death occurred on April 4, 1841.



family in Fleming County by the name of Alexander were the immediate descendants of that great aunt, the father of the family being her son and having the family name of Rowland. his likeness to my father was most striking. My grandmother and Aunt Betty Forman had two or more brothers. one of whom settled in Virginia and one in Maryland Genl. Henry Lee of Virginia, commonly called "horse Harry" from having command[ed] the Virginia Light-horse in the Revolution, was a descendant of the one who settled in that state.<sup>30</sup> The general was a man of talents, a gallant and distinguished officer, but a very reckless and dishonest man in all his business transactions obtaining money by a total disregard of honesty & spending it in wanton waste. Of the one who settled in Maryland, the descendants as far as I have been able to trace them, were very respectable. One of them I think served as a Govr. of the state, and a descendant of his, was some years ago a very promising young lawyer in Fredericktown.

Here I must remark that I have never taken any pains to trace my relationship to remote relatives without I found them both poor and respectable. The rich want no distant relations, and the worthless don't deserve any. The descendants of my grandfathers brothers are exceedingly numerous in Pen[n]sylvania, and I have found them in every state in which I have traveled.

I have said very little of my brothers. You know the families of the oldest & youngest of them Wm. and James. Your uncle Benjn. was an unsettled and wandering man in early life. He married at about 24 or 25 years old in Jeffer-

<sup>30</sup> The statement that Light-Horse Harry Lee was a descendant of a brother of the grandmother of Governor John Chambers is a mistake, as will be easily seen by consulting the genealogy of the Lee family of Virginia. The second wife of Governor Chambers was, however, a direct descendant of the Lees of Virginia, her maternal grandmother, Hannah Lee Bowie, being a daughter of Philip Lee, grandson of Richard Lee, the emigrant.

son County, a girl very favorably spoken of by those who know her. I never saw her. She lived but a year or two, and left no offspring. He then wandered for several years and wound up his travels by a marrying again—a coarse but good woman—the mother of his three sons, whose history you know, he became intemperate and lived at my expense principally until he and his wife died in the same day, when their children were sent to me, and gave me much trouble and expense—the only survivor of them, is I believe in California—

. . . . .  
 . . . . . the next one (the doct.)  
 you know died two years ago childless. the youngest, James died leaving some children in Illinois. Your Aunt Logan now the only survivor of my brothers & sisters, you know. Here husband was an educated man, but entirely inefficient to any useful purpose. For many years I had to furnish them a home and the principal means of subsistence.

It is now proper that I should give you some idea of your mothers family—the most singularly connected & *mixed up* family I have ever known, owing to the fact that your grandfather Taylor married three widows each of whom had children before he married them, so that the brothers & sisters of the half blood had brothers & sisters also of the half blood who were in no way related to other brothers & sisters—for instance, your Uncle Taylor & Aunt Sprigg had a half brother and sister, (their mothers children) named Paren [?], who were in no way related to either of my wives. My first wife had two half brothers named Jourdan [?] who were in no way related to your Uncle Taylor & Aunt Sprigg or to your mother. Your mother had a half brother, Thos. B. Hall and several sisters of the Hall family who were not related to your Uncle Taylor & Aunt Sprigg or to my first wife. And the connection was still

further complicated by the marriage of your grandmother Taylors half brother, Joseph Sprigg, to your grandfather Taylors oldest daughter, by which she became the aunt of her sisters, and he the brother-in-law of his nieces. And it extended still further. Joseph Sprigg father of your uncle Jo. Sprigg married a widow Bowie who at that time had two daughters, your grandmother and her sister Mrs. Belt,<sup>31</sup> by their mother he had a numerous family, towit your uncles Jo. Sprigg,— Osborn Sprigg,— Thos. Sprigg,— Corbin Sprigg, Wm. Sprigg (long known in the West as a Judge, first of the Supreme Court of Ohio, then of the territorial court of Louisiana & then of Illinois,) and two daughters, Mrs. Charles Carrol of Bellview, and Miss Hannah Sprigg who died unmarried, these were your grandmother Taylors half brothers & sisters. After the death of their mother their father married again, and by this marriage had one son (yet alive, Hon. Saml. Sprigg of Prince Georges County Maryland—ex-governor of that state—<sup>32</sup> he of course was not related to your mother, and was my attendant as grooms-man when I married her—by the way he was the devisee of a rich uncle, his fathers brother, and married a lady of large fortune and has lived most *magnificently* upon it until (I understand that) it has *evaporated*.

This outline embraces I think as much of our family history and perhaps more than you will feel any interest in. There have been many incidents in my own life, that I have past over as being of no importance, but which in their effects & consequences were very interesting to me at the time of their occurrence—for instance it was quite an interesting event to me when in my 18th year I was made

<sup>31</sup> A genealogy of the Lee family in the *New England Historical and Genealogical Register*, Vol. XXVI, p. 62, gives this name as "Bell".

<sup>32</sup> Samuel Sprigg was Governor of Maryland from 1819 to 1822.

Clerk of the board of Trustees of this old town,<sup>33</sup> and again when I advanced to the dignity of a town Trustee, Justice of the Peace, Attorney for the Commonwealth &c. &c. In all these little offices I contrived by diligence to make myself useful and was generally considered as influenced by considerations of public good in accepting them.

In two volumes of "Harpers Family Library" entitled the life of Perry, you will see a number of extracts of a letter from me to the present Commodore "Mathew C. Perry"<sup>34</sup> relative [to] my knowledge of and intercourse with the "Hero of Lake Erie"—his decd. brother, it was the result of one of my army associations which I enjoyed exceedingly. I am refer[r]ed to by name as the writer of the letter by Capt[ai]n Mackenzie,<sup>35</sup> better known by the name of Slidell—now dead—a man of fine talants and great firmness of character. It was him who hung Spence[r], the son of the Secretary of War,<sup>36</sup> for mutiny at sea.

In my long life (for remember I was seventy one years old on the sixth day of October last) I have had many rivals, who sometimes became enemies for the time being, it has been my rule never to exult over those who were less fortunate in our professional and political contests, and so far as I know, there is not now nor has there been for the last ten or twelve years, a single one of my old competitors who do not meet me with great cordiality, except perhaps two middle aged lawyers, who[m] I can only treat

<sup>33</sup> Washington, Mason County, Kentucky.

<sup>34</sup> It was Mathew Calbraith Perry who in 1854 negotiated a treaty which opened the Empire of Japan to western influences.

<sup>35</sup> Alexander Slidell Mackenzie was the son of John Slidell. The name Mackenzie, being that of his mother, was added to his own at the request of a maternal uncle. In 1842, while in command of the brig "Somers", he hung three men for mutiny, one of whom was the son of John C. Spencer, at that time Secretary of War. He was tried by court martial at his own request and acquitted.

<sup>36</sup> John Canfield Spencer was Secretary of War from 1841 to 1843.



with passing civility, because I know them for knaves, and they are too well aware of it, to attempt to approach me familiarly.

Old men who have spent much of their time in public life or the pursuit of popularity and office, are generally considered when they retire from such pursuits from the necessity indicated by age and some times by disease, as disposed to condemn their own pursuits & censure those who are pursuing the course they have abandoned. Such is not exactly my course. I would not however with my experience pursue the same course if I had my life to live over. It leads to the neglect of some of the duties which a man owes to his family, of much more importance to him & them and perhaps to the Country than any services which he can render to the Republic, without indeed he happens to be one of those rare individuals of whom an age produces only a few—a very few examples. It leads too in many instances to habits of neglect in matters of business and not unfrequently to dissipation—of these I have known many painful instances: but truly I am unable at present to call to recollection an instance in which a clever man of ordinary or even a little more than ordinary capacity, beloved by his acquaintances, and to use the appropriate term popular, has either benefit[t]ed himself or his family in a life devoted to *the public service*, and it almost makes me shudder to look back upon the numerous instances that have come under my observation, in which such men and others much more distinguished, have left, or have yet to leave ruined families—ruined in fortune, ruined in their morals, degraded in their habits and course of life—the only reward of a life devoted to the public service by their fathers. There are two evils of very extensive prevalence in this our land. One is the effect of imputed talents in particular individuals of numerous families, from which every ass of

a whole generation claims distinction. The other is the arrogance of poor stupid wretches who found their claims for notice, if not for distinction, upon the wealth of some ancestor or relation, or perhaps worse, upon the accidental possession of it in their own persons. I have yet to see wealth pass by de[s]cent beyond the third generation, but I have seen & see every day the second generation who have squandered the labours of their predecessors or are squandering it, in miserable low degrading dissipation, or more disgraceful gamblings with the most degraded of the black-leg tribe, with whom they would not lock arms in the street & yet shut themselves up with them night after night & day after day, permit[t]ing their pockets to be picked by them. I pray God to guard my descendents against evil habits, but especially against drunken[n]ess & gambling.

I had intended to copy this and curtail it, there being a good[d]deal more of it than necessary but I find writing more laborious than usual and must send it to you just as it is, knowing that it will not be exhibited to anybody, except your brothers and sisters to whom you would of course not object to showing it if they should wish to see it.

I will at some other time send you a copy of my "Family Register", (which is in a bound book.)

Your affectionate Father

Mr. HENRY CHAMBERS

Louisville

Kentucky

## FAMILY RECORD

[The sketch and entries here printed were written by Governor Chambers and cover ten pages of a small leather-bound book on the back of which appear the words *Family Record*. Six additional pages are given up to entries concerning the family of Henry Chambers and concerning the parents of the wife of Henry Chambers. These entries are of course of a much later date and by a different person. In the back of the book several pages have been removed and this explanation written in: "Some accounts cut out here". The remaining pages are blank. The record kept by Governor Chambers in this book is here printed with the autobiography since it contains much that it not found in the larger sketch.]

[1]<sup>37</sup>

John Chambers son of Rowland and Phebe, was born on the 6th day of October in the year seventeen hundred and eighty at Bromley Bridge in the County of Somerset, State of New Jersey, and in the summer of 1794 left that county together with his father & mother and their entire family for Kentucky (detained some time in the Monnongahala<sup>38</sup> Country waiting the arrival of his father who had taken the city of New York in his way) and arrived at Limestone (Maysville) after a very tedious and laborious passage down the Ohio river, late in the month of October 1794 & settled immediately in Washington in the County of Mason. In the winter and spring of 1794-95 assisted occasionally in a retail store belong[ing] to a Mr. Wiggins

[2]

and a very short time in one belonging to one Lewis Moore.

<sup>37</sup> The figures in brackets indicate the paging of the original manuscript.

<sup>38</sup> Monongahela.

In [the] Spring [of] 1795 was sent to Transylvania Seminary at Lexington, remained at school there until June or July, when some difficulties between the president of the institution (Harry Toulman) and the Trustees lessened the reputation of the institution which combined with pecuniary difficulties, precluded all hope of regular Education. And a clerkship in the retail store of Messrs. Brawnson [?] and Irvin in Washington was resorted to for employment and subsistence. In December 1797 entered the office of Francis Taylor Esqr. Clerk of the Washington District Court, and a practising attorney, with an agreement that the time not occupied in the duties of the Clerks Office might be employed in reading law. continued to reside in

[3]

his family until the spring [of] 1800 when he [Taylor]<sup>39</sup> removed to his farm on the Ohio, and very liberally gave up the emoluments of the office (to the deputy) as a compensation for attending to its duties—(and it afforded a decent competence. In the November 1800 obtained a license and immediately commenced the practice of the law in the inferior courts. \*See page 12.<sup>40</sup>

[12]

\*See page 3

In 1812. was elected to the House of Representatives of Kentucky.

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1813. Served as a volunteer Aid de Camp to Genl. Harrison and was in the Battle of the Thames in upper Can-

<sup>39</sup> The name Taylor is written in at some later date in pencil.

<sup>40</sup> It is evident that Chambers wished to insert here the material that appears on pages 12, 13, and 14 of the original manuscript. That order has therefore been followed in editing the manuscript.



nada—see Genl. Harrison[’s] letter to Secy. of War and his letter of thanks to J. C.

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1815. Again elected to the House of Rep’s of Kenty.

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Served [second]<sup>41</sup> year in the office of District Atto. for the Commonwealth

1828 Elected to the House of Rep’s of the United States for one Session to fill a vacancy. declined a re-election.

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1831 & 1832

1830 & 1831—Served as a member of the House of Representatives of Kentucky.<sup>42</sup>

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1835 Appointed a Judge of the Court of Appeals of Kentucky. resigned without taking a seat in the court & was elected a member of the 24th Congress.

1837 Re-elected to Congress and served

[13]

to the close of the 25th Congress (3d March 1839) declined a re-election

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4th March 1841 and from thence to 4th Apl. same year acted as the private Secretary of President Wm. Henry Harrison (without appointment & not so called) having in the mean time towit, on the 25th March 1841 been appointed by the President, Governor of the Territory of Iowa, upon the duties of which office he entered on the 13th May of the same year.

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<sup>41</sup> This word was written in the original manuscript and then crossed out.

<sup>42</sup> This entry appeared in the manuscript on page 13 after the entry for 1837, but was preceded by a symbol which also appears after the entry for 1828, indicating that the writer wished it to be read in that connection. The editor has therefore placed the entry in its proper chronological position.

Appt. a Commissioner in conjunction with T. H. Crawford Esq. Comsr of Indian Affairs & J. D. Doty Govr. of Wisconsin to treat with Sac & Fox Indians, in Oct. 1841. Negotiation failed.

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Sept. 1842. Appointed sole commissioner for the above purpose. Succeeded fully on 11th Oct. 1842.

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July 1843 Appt. Commisisoner to treat with the Winnebago Indians. Negotiation failed.

[14]

1844 Reappointed Governor of Iowa—by President Tyler.  
Octr. 20th 1845—Removed from office by President Polk, to make room for a political partisan.

Let it be remembered that this removal from office was made without the imputation of improper conduct or of neglect of duty, or other cause assigned.

Augt 1849 Appointed Comr. jointly with Govr Ramsey<sup>43</sup> to treat with the Sioux Indians in Minnesota. Succeed[ed] only in part.

[3] continued

1803 June 16th married Margaret Taylor, daughter of Majr. Ignatius Taylor (then) of the County of Washington State of Maryland.

1804—12th May. A still born female child

1807. 22d Feby. another still born daughter.

1807—4th March. Margaret the wife of John Chambers departed this life, having then nearly completed her 26th year. She was born 22d May 1781

[4]

1807 October 29th Married (near Hagerstown in Mary-

<sup>43</sup> Alex. Ramsey was Governor of the Territory of Minnesota from 1849 to 1853, and Governor of the State of Minnesota from 1860 to 1863.

land) Hannah Taylor daughter of the above named Majr. Taylor and sister of the half blood to the decd. wife. Hannah Taylor, the second wife of John Chambers was born on the 9th January 1791.

Of this last mentioned marriage came the following children.

Margaret Taylor Chambers— Born 2d December 1808 at 11 O'clock & 30 minutes P. M.—who on the 12th of September 1826 married to Hugh Innis Brent of Paris in the County of Bourbon, Kncky. H. I. Brent died 2d September 1845

Joseph Sprigg Chambers—Born 30th October 1819. One clock P. M. Married Martha Ann Phillips

Hannah Chambers—born 16th July 1812 1 O'clock A. M.—married to Doctr. John Wm. Henry September—1831. died 8th July 1847 15 minutes of seven O'clock A. M. [leaving an infant about a week old called John Chambers who died in the succeeding winter.]<sup>44</sup>

[5]

James Chambers—born 4th March 1814 half past 7 O'clock P. M.—a healthy and beautiful child. He died on the 29th of April 1814—11 O'clock P. M. having suffered much for several days.

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Matilda Chambers—born 17th March 1815. 9 O'clock A. M. Married to Charles Scott Brent 10th February 1835 —(C. S. B. is brother of Hugh I. Brent & resides also in Bourbon Cty. Kentucky)

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Francis Taylor Chambers—Born 29th July 1817—Married Frances Marshall July 1838—on the 31 Jany. 1840.

<sup>44</sup> This entry was written in the manuscript but crossed out.

She gave birth to a male child, (named John Marshall) and died on the 12th day of the Feby. 1840— He afterwards married Eliza Durret who left one child a daughter named Elizabeth and in 1848 married Elizabeth Febiger.

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Jane Chambers— Born 18th August 1819— $\frac{1}{2}$  past 3 P. M.— Married to John Samuel Forman 8th March 1838. [Died on the 18th day of August 1853 at 11 oclock & 20 minutes A. M. in Washington Ky. Buried in the Forman cemetery]<sup>45</sup>

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Mary Chambers— Born 18 August 1821 about 6 oclock P. M. died 2d Sept. [18]49 12 oclock Merid[i]an buried in the same grave with her sister Laura.

[6]

Laura Chambers— Born 19th September 1823 at 30 minutes after 11 oclock A. M. Married to Doctr. John A. Lyle of Paris Ky. 1848  
Died 2d Septr. 1849 buried at Paris in the same grave with her sister Mary.

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John James Chambers— Born 20th November 1825 at 30 minutes after 6 o'clock P.M.— Died at Paris, Kentucky at  $\frac{1}{2}$  past 12 o'clock, Merid[i]an 30th September 1844. Buried at Washington. Thus ended one of the most amiable noble boys of his race—

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Henry Chambers— Born 24th January 1828 at 30 minutes after 4 o'clock A. M.

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<sup>45</sup> This entry, made subsequent to the death of Governor Chambers, is in the handwriting of another party.



[7]

Lucretia Chambers—Born 14th March 1830 at 5 o'clock P. M. died 5 March 1836.

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Hannah the 2d wife of John Chambers died on the 11th November 1832 at five o'clock in the morning.

John Chambers, by whose hand all the foregoing memoranda (save that of Jane Chambers' death) were written, died on the 21st day of September 1852 at 15 minutes after three o'clock P. M. at the residence of his son-in-law—Charles S. Brent in Paris Ky. He was buried in the old grave yard in Washington Ky. He was at his death near the completion of the 72d year of his age. (H. C.)<sup>46</sup>

<sup>46</sup> These are the initials of Henry Chambers by whom this final paragraph was inserted.

## SOME PUBLICATIONS

*Reminiscences of the Twenty-Second Iowa Volunteer Infantry Giving its Organization, Marches, Skirmishes, Battles, and Sieges, as taken from the diary of Lieutenant S. C. Jones of Company A.* Iowa City: Published by the author. 1907. Pp. 166. Portraits, plates.

Personal reminiscences of the Civil War already constitute a very voluminous literature, and the end is not yet. This is as it should be. Books of this class supply a real need by way of supplement to more formal histories. The official records may be a more trustworthy source for an account of battles and sieges, but they tell us nothing of the feelings, purposes, and experiences of the rank and file.

The Twenty-second was one of Iowa's famous fighting regiments. Enlisted principally in Johnson County in 1862 and not discharged until several months after the close of the War, it served in twelve States, travelled some fifteen thousand miles by rail, on steamers, and afoot, and was attached at different times to the armies of Grant, Sherman, Sheridan, and Banks. The most famous campaigns in which it participated were those of Grant against Vicksburg and Sheridan in the Shenandoah Valley. Its heaviest losses in action were at the assault on Vicksburg, May 22, 1863 (where twelve members of the Twenty-second were the only Unionists who penetrated the Confederate lines), and at the battle of Winchester, September 19, 1864.

In this regiment the author of the book under review was successively Third Corporal, First Sergeant, and First Lieutenant of Company "A". Captured at the battle of Winchester, he spent five months in the awful shambles of Libby, Salisbury, and Danville, was exchanged near the close of the War, and rejoined his regiment after Lee's surrender.

Lieutenant Jones's modest volume is correctly described by the title page. It is not a regimental history but a record of personal experiences. Except for a brief summary of the regiment's doings during the few months of his enforced absence, the writer relates only what came under his own observation, and he bases his narrative throughout upon a war diary. Indeed, he often apparently copies the diary verbatim, gaining contemporariness at the expense of literary form. Despite the extremely simple and sometimes ungrammatical language in which the story is told, the intrinsic interest of the narrative never flags, and a fine personality shines through the pages.

E. H. DOWNEY

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Grant, Lincoln and the Freedmen Reminiscences of the Civil War with Special Reference to the Work for the Contrabands and Freedmen of the Mississippi Valley.* By JOHN EATON in collaboration with ETHEL OSGOOD MASON. New York: Longmans, Green, and Company. 1907. Pp. xxxviii, 331. Portraits, plates.

This book, as the title indicates, consists of a series of personal recollections by the author, based in part on documents contemporaneous with the events described and in part on the memory of those events. In the preface Mr. Eaton states that he has not attempted to "write in any general sense of the military career of Grant or the political life of Lincoln, but only of those incidents in connection with which I came into personal contact with these two men, and, above all, of the character and standards of each as I saw them." Moreover, in dealing with the efforts to aid the negro contraband made by the Union army during the War, he disclaims any thought of writing "a history of this work in any adequate or general sense." Within these limitations imposed by the author himself, the work is of great merit; and while it will perhaps never be used as an authoritative reference, it nevertheless should

be read by everyone who desires to gain an adequate idea of the great problem which confronted the North in dealing with the freedmen.

The reminiscences are preceded by a biographical sketch of General Eaton prepared by Ethel Osgood Mason, who is the daughter of an intimate friend of General Eaton and who assisted him in writing the book. John Eaton was born December 5, 1829, and died February 9, 1906. He graduated from Dartmouth in 1854, and in 1856 became superintendent of the city schools of Toledo, Ohio. At the outbreak of the Civil War he became a chaplain of the Twenty-seventh Ohio Volunteer Infantry. In 1862 he was appointed General Superintendent of Contrabands for the Department of the Tennessee, and in this capacity he served throughout the remainder of the War. From 1870 to 1886 he was United States Commissioner of Education, and in 1899 he became the first American Superintendent of Schools for Porto Rico.

General Eaton in his reminiscences tells very interestingly of the difficulties which arose early in the War because of the large number of negroes who flocked to the camps of the Union armies, and the manner in which these difficulties were met. He describes in detail the means adopted to relieve the suffering and destitution among the contrabands, the camps which were established for them, the plan of putting the negroes to work on the abandoned plantations, and the formation of regiments of colored troops. The author's deep interest in the work and the position which he held enable him in these reminiscences to give many vivid pictures of this phase of Civil War history, which hitherto has been given but little attention.

General Eaton's work among the contrabands and freedmen brought him into close contact with President Lincoln and General Grant, both of whom he greatly admired; and a great deal of space is given in the book to his interviews with these two men. There are many hitherto unpublished anecdotes which throw light on the character of the martyr President and his "fighting general." An especial effort is made to answer some of the criticisms which have been made upon Grant's life and actions. In regard to the



charge of intemperance, the author states his firm belief that after entering the army in 1861 General Grant was free from this habit, even though in his earlier years he was doubtless addicted to it.

The book is written in an interesting style, and the duller parts are enlivened by anecdotes which give the reader an insight into the conditions of life in the storm-center during the struggle for the Union.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Sixty Years and Other Discourses with Reminiscences.* By WILLIAM SALTER. Boston and Chicago: The Pilgrim Press. 1907. Pp. vii, 326. Portraits, plates.

Thirty-six sermons constitute two hundred and sixty pages of this volume and six reminiscent articles make up the remainder. Specimen subjects among the former are: "The Unsearchable Riches of Christ", "The Sermon on the Mount", "The Human Hand", "The Mother of Jesus", "Repentance", "The Reformation", "Benjamin Franklin", "Asa Turner", and "The Fiftieth Anniversary of the Congregational Church at Keokuk, February 12, 1904". The titles of the reminiscences are: "Journal of a Missionary in Jackson County, Iowa Territory, 1843-1846", "Abraham Lincoln", "Italy in 1860", "In the Civil War July, August, 1864", "Preachers and Churches Abroad", and "Benjamin A. Spaulding".

The ripened religious thought and conviction of sixty years work in the ministry is garnered in these sermons. A few excerpts can be used to show his catholicity and faith. In discussing the influence of the great men of history he says: "But the man Christ Jesus stands upon an entirely different plane from any other great character. He has acquired a wider influence. He has won the love and veneration of many millions more. He has more deeply affected the world's fate and fortune. The globe is to-day full of the marks of his presence. In some mysterious but real way he is

now operative as he was in the first century, inspiring men's minds with his thoughts and sentiments, and carrying forward his ideas and plans of love and mercy, as he did of old in the land of Palestine and in other lands of the Roman empire. . . ."

"Christianity has survived its own defects and still holds up its head and goes forth to the front in the march of civilization, to ameliorate the world and bring in the new heavens and the new earth of righteousness and peace. When petrified in dogma, or mummified in organization, Christianity loses vital force and fails to meet the changing conditions of human life, as the generations and the centuries come and go."

Rev. Salter was a member of the "Iowa Band"—that group of eleven young men from eastern colleges and seminaries who, in 1843, came west to sow and to nurture the seeds of religion and knowledge in the Mississippi Valley. In a funeral sermon Rev. Salter pays a tribute to Asa Turner, a co-worker in this band, in these words:—"In his own parish he won men of many minds by sympathy and love, by patience and forbearance, not by imposing yokes and arbitrary rules. Controverted matters, such as the mode and subjects of baptism, he left each person to decide for himself according to his own views of duty. He made nothing but Christian character a condition of church membership. Gentleness and strength, sweetness and light, grace and truth were combined and balanced in his character. In his home and among his neighbors and friends he sustained the same principles which he exercised in the house of God and practised all the domestic and social virtues."

Reaching Maquoketa (then Springfield P. O. in Jackson County), Iowa Territory, on November 10, 1843, Rev. Salter commenced to ride his circuit as a missionary. His account of his labors teems with interest: the hardships of pioneer life and the hospitalities of the settlers are described; he came into contact with James G. Edwards, Thomas Cox, and Ansel Briggs, men prominent in the history of the Territory and State; his ministerial work carried him into log-cabins, schoolhouses, and sometimes blacksmith shops; and long missionary tours were made to the adjoining counties. In March, 1846, he was called to become the pastor of the Congregational Church at Burlington, Iowa.

## 292 IOWA JOURNAL OF HISTORY AND POLITICS

Four plates are included in the volume: one showing Rev. Salter's portrait in 1906, another taken on the sixtieth anniversary of his pastorate, and a third showing the young minister in 1846. Two pictures contrast the Congregational Church of Burlington in 1846 with that of 1870. The fourth plate represents the sod-covered log schoolhouse at Maquoketa built in 1838, in which Rev. Salter preached one hundred sermons.

Rev. Salter's style is clear, dignified, and refined; while a vein of optimism and sympathy permeates the whole work. His sentences are clear cut and somewhat like those of Emerson whom he honors as "the ideal American." Literary and biblical allusions are well chosen and give ornament as well as power to his diction; while his fondness for history and biography makes historic characters and events do service on nearly every page of the volume.

For sixty years Rev. Salter fulfilled the highest expectations of his cultured and critical congregation at Burlington, discharging his ministerial duties with wisdom, dignity, eloquence, grace, and spiritual elevation and power. His life and his public ministry are intimately entwined with the history of the State which he has helped to rear and which nearly sixty-five years ago he chose for the vineyard of his labors and his home. *Iowa: The First Free State in the Louisiana Purchase* is a product of William Salter, the student of history; but *Sixty Years* represents William Salter the man.

LOUIS PELZER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Personal Narrative of Travels in Virginia, Maryland, Pennsylvania, Ohio, Indiana, Kentucky; and of a Residence in the Illinois Territory: 1817-1818.* By ELIAS PYM FORDHAM. Edited by FREDERIC AUSTIN OGG. Cleveland: The Arthur H. Clark Company. 1906. Pp. 248. Plates.

Elias Pym Fordham, the author of the letters now printed for the first time, was a young Englishman born in Hertfordshire,

England. He had been a pupil of George Stephenson and was a capable and promising engineer. Influenced by an uncle, George Flower, who was interested in an English settlement in Illinois Territory, young Fordham gave up his bright prospects in England and in 1817 came out with Morris Birkbeck who led over a company of ten persons. The expedition reached America at the mouth of the James River. Fordham, who had charge of the equipment purchased for the new settlement, did not accompany the main party to Illinois, but took a different route. From Norfolk, Virginia, his course lay up Chesapeake Bay to Baltimore, thence overland to Pittsburg, and down the Ohio River to Cincinnati. From the latter city, Fordham proceeded by land across southern Indiana to the so-called "English Prairie" in Illinois.

Like many another traveller and transient settler in America, Fordham kept a journal and also wrote frequent letters home to England. The latter were collected for publication in 1818, but were not actually printed. They are now given to the public for the first time under the above title. The work is made up of three parts: (1) seven letters written between May 18 and November 15, 1817, on the journey from Norfolk to Illinois; (2) a daily journal kept while at or near the English Prairie covering the period from December 7, 1817, to February 26, 1818; and (3) a second series of letters written between the dates February 3, and October 30, 1818, from various points in Illinois, Indiana, Ohio, and Kentucky. To the narrative of Fordham is prefixed the preface written for the edition of 1818 which was never published, and also a twenty-five page introduction by the editor. Following the narrative, the editor has appended a "Select list of Contemporary Travels", including twenty-two titles. The volume is also provided with an index.

In the introduction the editor discusses, among other matters, the sources of western population in 1818, the causes of migration thither, and the character of the settlers. So large a number of the settlers were from Europe, and especially from England, that the editor finds it necessary to explain conditions in Great Britain and to cite the chief causes of emigration. The controversy which



waged for several years between the champions of rival English colonies in America is touched upon. Fordham's personal history is spoken of briefly, and the story of his letters told. The contents of the text are outlined and the peculiar value of such material hinted at.

The letters and journal here printed cover a wide range of subjects. Prominent among these are the physical features of the different western States, climate, classes of people, manners and customs, the industrial situation, etc. The author has much to say about the land, its quality and price. He is sure it will be a good investment. The labor situation bothers him. Though opposed to slavery, yet if Illinois adopted it he would use slaves.

In his treatment of the people, of their manners and customs, Fordham is favorable to the Virginians and Kentuckians to the disparagement of the inhabitants of Pennsylvania and Ohio and the West in general.

The author's last letter contains some interesting instructions or directions to young men of small fortune in England who may think of coming over. It will be necessary for such to raise 300£. Before starting they should learn how "to butcher a hog, cut it up, and to salt it down properly." The only articles of merchandise which they are recommended to bring are blankets. If 50£ are invested in these it will "pay you Cent for Cent." "By all means, take your passage in an American ship." "Do not bring with you any English rifles." Mattress and blankets are recommended for the trip over the mountains for the reasons that "by sleeping on your own bed, you will save from 12½ to 25 cents per night, and avoid catching anything disagreeable" in the American taverns.

On the whole the narrative is full of instructive and interesting observations. It is an unbiased account by a foreigner of good character and a high degree of intelligence. Fordham wrote from first-hand information with no idea of publishing his letters or journal. His account is therefore marked by freshness, fairness, and candor. It is cautious and conservative. He warns his friends that what he says is largely the result of first impressions only,

that ere another letter is written the situation may be changed, or he may see it in a different light.

The work is, of course, fragmentary; there is much of repetition in it and some errors. The President's name is spelled "Munro", (p. 58.) We read in the author's description of the government of Indiana that "Its Executive consists of Circuit Courts and a Supreme Court" (p. 100). Proper names are frequently misspelled, but such errors are to be expected. It will do no especial good to point them out. Fordham was not writing for publishers. If he had been, the volume might have been more free from errors, but it is a question if it would have gained in interest. The work forms a valuable addition to the literature of early American travels in the Middle West.

F. H. GARVER

THE STATE HISTORICAL SOCIETY OF IOWA  
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*The Great Plains The Romance of Western American Exploration, Warfare, and Settlement, 1527-1870.* By RANDALL PARRISH. Chicago: A. C. McClurg and Company. (Second edition). 1907. Pp. xiv, 399. Portraits, plates.

In a volume of less than four hundred pages the writer covers the romantic history of the Great Plains during a period of not quite three centuries and a half. By the term used in his title he means that great stretch of grass and desert lying between the Missouri Valley and the foothills of the Rocky Mountains. Because the history of Texas is so distinctly separate from that of the more northern plains, he purposely omits it from consideration.

Mr. Parrish comments, in his preface, upon the writing of history. "There are two perfectly legitimate ways of writing history. One is to make a simple statement of facts; the other, to clothe the statement in language fitted to appeal to the reader's imagination." The latter method is pursued in this work, which he informs us "is written largely for those to whom history has been heretofore dry and unpalatable".

Because of the great scope of the undertaking, the author has of course only been able to touch the high lights, but he does this with an able pen. The work contains nothing philosophic or analytic but is purely narrative and descriptive, rather anecdotal in nature and somewhat inclined to be kaleidoscopic in its shifting of scenes. It is not without minor errors, but it presents an exceedingly vivid and stirring picture of frontier life.

The story is told in three parts: one treating of the long period of Exploration, one of the Struggle for Possession, and the third of the Occupation. A discussion of the nature of the Great Plains opens the volume, followed by a presentation of the Indians that roamed thereon; and from this the author launches into the narration of the Spanish and French explorers, the expeditions of Lewis and Clark, and Pike, and Long, and of the incoming of the fur-traders. A good brief account of the Santa Fe trade and trail and a chapter on early transportation complete the first part.

Perhaps the heart of the story is in the second part. The first emigrants begin to cross the plains. The great Mormon migration of 1846-1847 is vividly depicted. One sees the long line of men, women and children, hand-carts and cattle trailing out across Iowa and Nebraska despite disease and Indian attack, leaving their dead on the frozen plains but still pushing persistently on. It is but a typical chapter in the long, long tale of American frontier privation. Faces upturned to the sky and later bleaching bones marked the trail of the overland route to Oregon, the routes of the expeditions during the Mexican War, and the transcontinental journeyings of the "forty-niners." The development of the great overland stage lines following the reign of the prairie schooner is graphically described, as is that of the pony express riders. Seven chapters recounting the experiences of the army on the plains and replete with tales of Indian warfare bring the story down to the period of occupation.

The beginnings of settlement brought experiences not less interesting. Kansas received her inpouring inhabitants with years of bloody strife. But neither bloodshed nor desert nor blizzard nor locusts could stay the advancing migration. The cattle kings drove

immense herds across the plains to towns that sprang up in a night. The outstretched railroad pushed the mushroom settlements farther and farther toward the mountains, and at last the Great Plains were conquered. Mr. Parrish has a distinct appreciation of the dramatic and has clothed his statements in a style that makes a strikingly interesting narrative.

JOHN C. PARISH

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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AMERICANA

GENERAL AND MISCELLANEOUS

Published as number three of volume twenty-eight of the Columbia University *Studies in History, Economics and Public Law*, is a monograph of somewhat over two hundred pages on *The Distribution of Ownership* by Joseph H. Underwood.

The sixteenth volume of the compilation of *Massachusetts Soldiers and Sailors of the Revolutionary War* appeared in the year 1907. It is a book of over one thousand pages and includes the names, alphabetically arranged, from Tracey to Wheylon.

*The American Catholic Historical Researches* for January, 1908, consists of a large number of fragmentary contributions, some being extracts, some letters, and many in the nature of editorial comment. The first article enumerates and discusses *Catholic Privateersmen* in the American Revolution.

AN excellent publication, both typographically and from the standpoint of content is *The Scottish Historical Review*. The number for January, 1908, includes seven articles relating to the history of Scotland. Among others we note *The Relations of Mary Stuart with William Maitland of Lethington*, by Thomas Duncan; *Mr. Lang and the Casket Letters*, by T. F. Henderson; *The Market Cross of Aberdeen*, by G. M. Fraser; and *The Bishops of Glasgow*, by J. Dowden.



*Geographic Location as a Factor in History* by Ellen Churchill Semple, constitutes the chief article in the *Bulletin of the American Geographical Society* for February, 1908. This paper was delivered before the American Historical Association at Madison, Wisconsin, December 28, 1907, and is a part of a book in preparation on the *Influences of Geographic Environment*.

The British Ambassador to the United States, James Bryce, contributes the opening article to the *Columbia Law Review* for March, 1908, on the subject of *The Methods and Conditions of Legislation in Our Time*. Alfred C. Coxe writes on *Admiralty Law*, and William D. Guthrie discusses *The Eleventh Article of Amendment to the Constitution of the United States*.

Mr. Henry C. Emory contributes a timely article to the February number of *The Yale Review* on *Some Lessons of the Panic*. The two remaining articles in the issue are a study of *The Legal Economic and Accounting Principles Involved in the Judicial Determination of Railway Passenger Rates*, by Maurice H. Robinson, and *A Statistical Study of the Yale Graduates 1701-92*, by William B. Bailey.

*The National Year Book 1907* of The National Society of the Sons of the American Revolution is a volume of nearly four hundred pages. The Proceedings of the Eighteenth Annual Congress of the Society, at Denver, Colorado, June 3 and 4, 1907, are printed in full. The volume also contains data concerning the National Society, the officers of the State Societies, and a Register of new members enrolled between May 1, 1906, and June 1, 1907.

*The Report of the Librarian of Congress and Report of the Superintendent of the Library Building and Grounds* for the year ending June 30, 1907, appears in a volume of one hundred sixty-seven pages. We note among the important accessions the library of Mr. Gennadius Vasilievich Yudin of Krasnoiarsk, Siberia. It comprises over 80,000 volumes relating to Russia and Siberia, of which all but about 12,000 are in the Russian language. Among

the notable acquisitions of the Manuscript Department are the papers of Justice John McLean of the United States Supreme Court and those of Justice George P. Fisher.

The proceedings of the Second Hague Conference may have seemed to the superficial observer to partake more of the nature of a conference of war than of peace, since so much time was consumed in making plans for the regulation of war. It is obvious, however, that as long as war exists all humanizing efforts applied to it are distinct steps in the cause of peace. Published by the Association for International Peace we note Document 3, consisting of an address delivered by Andrew Carnegie at the University of St. Andrews on *A League of Peace*, and Document 4, entitled *The Results of the Second Hague Conference* and containing two addresses upon this topic by David Jayne Hill and Baron d'Estournelles de Constant.

A new cover design consisting of a reproduction from an ancient volume in the Lenox Library, New York, is used in the first number of the second volume of *The Journal of American History*. The number appeared in January, 1908, and is dedicated to the Brotherhood of Nations. Among the articles we note *The Beginning of the Trade with Foreign Lands*, by Julius W. Pease; *American Treasures in the Archives of the Libraries of the World* which is an extended notice of Mr. Elroy M. Avery's *History of the United States*, by the editor of *The Journal of American History*. The *Memoirs of a Gold Seeker* consists of a journal kept by John Evans Brown, covering the period from March to August 1849.

The *Fourth Annual Report of the Library Board of the Virginia State Library* 1906-1907 contains as an appendix a list of the manuscripts from that Library which formed a part of the Virginia historical manuscript exhibit at the Jamestown Exposition. This only shows a portion of the collection, since numerous papers were also loaned from the State Archives and from the Virginia Historical Society. The department of archives and history of the State Library has been engaged largely in preparing the manu-

scripts in their possession for the use of the public. More than two thousand legislative petitions have been pressed, numbered, and filed in vertical cases and several hundred abstracts of papers have been made. About one thousand bound manuscript have been issued to readers in the last year, and a large correspondence is being conducted in answer to inquiries concerning the records. The archives are in charge of Dr. H. J. Eckenrode.

For a quarter of a century there has met annually a Conference of great interest to the American people—namely the Lake Mohonk Conference of the Friends of the Indian and Other Dependent People. The *Proceedings of the Twenty-fifth Annual Meeting* which occurred at Mohonk Lake, New York, October 23, 24, and 25, 1907, have been recently published. The volume contains, practically in full, the discussions which took place. The Conference at first considered only the condition of the American Indian, but later the scope of the discussions was extended so as to include matters relative to the Philippines, Porto Rico and Hawaii. The Conference met, as usual, at the estate of Mr. Albert K. Smiley upon his invitation. A large number of papers were read discussing matters of import relative to the Indians and the people of the insular dependencies of the United States. The historical address was delivered upon the last day of the sessions by Hon. Merrill E. Gates, of the Board of Indian Commissioners, his subject being *Twenty-five Years at the Lake Mohonk Indian Conference*.

The *American Historical Magazine* appears in January, 1908, in a new form. There is an increase in the size and number of the pages and a marked improvement in the cover and in the illustrations. The opening article is one on *The Honorable Mathew Forsythe and the Scottish Influence in America* by the Viscount de Fronsac. An interesting departure begun in this number is *A Pictorial History of Lincoln*. Three portraits are given and the series will continue during the year. Under the heading *Post Revolution Letters* are printed a number of letters of the latter part of the eighteenth century. Henry Whittemore contributes an article on the *Origin and Antiquity of Heraldry*. The *Political and Party*

*Aspects of the National Judiciary, 1789-1801* is discussed by Don E. Mowry. The rather ambiguous title, *War Questions in Wisconsin*, is given by F. C. Winkler to a brief survey of the legal history of the State of Wisconsin as regards the causes and progress of the Civil War. The current instalment treats of the Wisconsin fugitive slave cases. The continuations from the November number are three in number, chief of which is Mr. Lyman H. Weeks's *Book of Bruce*. The March number, besides continuations, includes a sketch of *Early Massachusetts Newspapers*, by Lyman H. Weeks, with a large number of interesting extracts.

The subject of *American Waterways* is considered in the January, 1908, issue of *The Annals of the American Academy of Political and Social Science*. It is a topic of engrossing interest to the American citizen. The Memphis Address of President Roosevelt on *Our National Inland Waterways Policy* opens the discussion, which includes twenty formal papers by members of Congress, civil engineers, foresters, representatives of transportation companies and men of academic connections. The papers treat of waterways from the Atlantic coast canals to the Columbia River and from the Great Lakes to the Panama Canal. Two articles also deal with improvements of this nature in Great Britain and in Germany. Of close interest to the Middle West are the following: *Mississippi Improvements and Traffic Prospects*, by R. B. Way; *Water-Power in the Mississippi Valley*, by Calvin O. Althouse; and *The Improvement of the Missouri River and Its Usefulness as a Traffic Route*, by Lawrence M. Jones. The *Present Status of the Panama Project* is instructively presented by Henry L. Abbot, and Hon. Joseph E. Ransdell discusses the *Legislative Program Congress should adopt for Improvement of American Waterways*.

A recent monograph issued in the series of *Johns Hopkins University Studies in Historical and Political Science* is *A Financial History of Maryland (1789-1848)*, by Hugh Sisson Hanna. The first chapter covers in a brief way the main outlines of the financing of the State during the Revolutionary War. The remaining four chapters bear the following titles which indicate in general



the method of treatment: "Period of Surplus Financiering (1789-1816)"; "Period of Indirect Taxation (1817-1841)"; "Internal Improvements and the State Debt", and "The Supervision of Interest Payments (1841-1848)."

The movement in historical circles toward the investigation of the materials for the history of United States in foreign archives depositories gains impetus through the publication, by the Carnegie Institution of Washington, of a *Guide to the Materials for the History of the United States in Spanish Archives (Simancas, the Archivo Historico Nacional, and Seville)*. The work was prepared by Professor William R. Shepherd and deals with the three repositories above mentioned, which contain the greatest amount of material for the history of the United States. The compiler has limited himself to a survey of materials relating to the continental area alone omitting mention of papers relative to the voyages of Columbus. The introduction contains a general statement of the condition of the Spanish Archives, the methods of classification, and the regulations governing the investigator. The three depositories of Simancas, the Archivo Historico Nacional, and Seville, are then taken up in turn. Professor Shepherd gives a short description of the quarters and of the archives themselves, in each case with lists of *Principal Items*. He also includes an interesting sketch of the history of each of the three storehouses. The oldest is that at Simancas. The papers are here housed in a medieval castle built in the thirteenth century and appropriated for the preservation of state documents as early as the sixteenth century. The collection bearing the title "Archivo Historico Nacional" at Madrid and the collection at Seville are smaller than the one at Simancas but are much more easy of access and the conditions surrounding the investigator are much more pleasant. An examination of the lists of *Principal Items* affords, of course, but a glimpse of the material for the history of the United States stored in the various depositories; but it is an illuminating and exceedingly enticing glimpse. Especially for the student of Mississippi Valley history is there a promise of great benefit from the Spanish Archives. For this reason the work of the Committee of Seven appointed at the meeting of the

American Historical Association at Madison, Wisconsin, to secure coöperation in the gathering of materials, will be watched with great interest in the States of the Mississippi Valley in particular. Professor Shepherd and the Carnegie Institution have made an excellent beginning in a work that will be of inestimable importance to the interests of United States history.

A little group of law librarians met on July 2, 1906, and organized the American Association of Law Libraries. The Association has made a progressive step by the issue, in January, 1908, of the first number of the first volume of a journal to be known as the *Index to Legal Periodicals and Law Library Journal*. The managing editor is Frederick W. Schenk of the Law Library of the University of Chicago. The publication is a quarterly and as indicated by the title consists of two distinct parts separately paged so as to permit the binding of each part by itself. In the journal portion there will appear in each issue at least one leading article together with bibliographies, lists of new books, digests, and statutes.

*The Index to Legal Periodicals* appeals to us as a valuable undertaking. It is essential that one who is in search of material may have some guide which will obviate the task of looking through the various journals individually. Different publications supply this need in other lines and it is gratifying to have an index to legal periodicals undertaken by an organization which has every advantage for doing it thoroughly. The initial number has for a frontispiece a portrait of Mr. A. J. Small, of the Iowa State Law Library, President of the American Association of Law Libraries. The journal portion is devoted largely to the proceedings of the second annual meeting of the Association, which occurred at Asheville, North Carolina, May 24-28, 1907. The index portion, listing both by authors and by subjects, covers thirty-six pages in this first issue. The index will be cumulated yearly in a separate volume. It is hoped to extend the scope of the work so as to include European as well as American publications.

## WESTERN

In the *Records of the Past* for November-December, 1907, we note a brief article with illustrations on *Mound-Builders of the Mississippi Valley*, by Richard Herrmann of Dubuque, Iowa. The sketch deals particularly with the burial mound of Julian Dubuque and Peosta, chief of the Foxes. In the issue for January-February, 1908, W. B. Nickerson contributes an article on *Stone Graves of Northwestern Illinois*.

The Christmas number of *The Ohio Magazine* takes as its leading theme the city of Columbus. Historically considered, the article of most interest is one by E. O. Randall on *The Beginnings of Columbus*. It is illustrated by a number of good portraits and plates and traces the life and growth of the present capital city from the year 1797 when it took its being in the town of Franklinton founded by Lucas Sullivant.

Having in mind the present public interest in the improvement of rivers and harbors, William A. Meese has gathered together in a pamphlet of some fifty pages a collection of data relating to Abraham Lincoln's connection with waterways and waterway legislation. It is entitled *Abraham Lincoln on Waterways* and covers his early experiences on the rivers of the Mississippi Valley, his addresses and legal arguments, and a number of anecdotes connected with the general subject of water transportation.

Among the most important ruins in the Southwest are the ancient buildings at Casa Grande, in Pinal County, southern Arizona. The *Excavations at Casa Grande, Arizona, in 1906-07* are discussed in the *Quarterly Issue* of the *Smithsonian Miscellaneous Collections* (Volume IV, Part 3), by J. Walter Fewkes, under whose direction the work was conducted. The principal ruins consist of a rectangular enclosure surrounding not only the houses, but other compartments, some abutting the wall and some standing free on all sides. The buildings were discovered by Father Kino about 1694 and have often been visited and described since then. The

present undertaking is a restoration of the ancient works and their protection from further disintegration.

An addition to the literature on the vexing problem of the Japanese as an immigrant was prepared and published in 1907 by the Japanese Association of the Pacific Northwest under the title *Japanese Immigration An Exposition of its Real Status*. The work consists largely of statistics and conclusions drawn therefrom showing the extent and nature of Japanese immigration, the destination of the immigrants and the economic facts attendant upon their coming. A few quotations are introduced in support of the assimilability of the Japanese. The writer contends that the immigration from Japan is not proportionately large, is mostly of a high class, both professionally and educationally, and that the Japanese cannot be properly charged with lowering the wages of labor.

*Bulletin 33* issued by the Bureau of American Ethnology of the Smithsonian Institution, is a monograph entitled *Skeletal Remains Suggesting or Attributed to Early Man in North America*, by Ales Hrdlicka. The paper was ready to be sent to the press when the Bureau received word of the discovery in Nebraska of human remains of a low type. The publication was withheld until the writer had visited Nebraska and examined the specimens. The monograph therefore includes a discussion of the "Nebraska Loess Man" found in that region by Mr. Gilder. The writer reaches the conclusion, after careful examination of the various remains in North America for which geological antiquity has been claimed, that thus far no human bones have been found on this continent which are of undisputed geological antiquity. The monograph is well illustrated by plates showing the different osseous remains.

*The Migration of the Buffalo* is the subject of an article in *The American Antiquarian and Oriental Journal* for November and December, 1907. It discusses the vanishing of the buffalo in America and the efforts to prevent its complete extinction, notably the recent transfer of a select group of these animals from the New York Zoological Park to a new range in Oklahoma. An article on



*The Distribution of Sun Circles* deals particularly with those to be found in Ohio, but gives facts to show how widespread was the worship of the sun as indicated by these remains. Robert F. Gilder under the heading *Nebraska Loess* tells of the finding of human remains in Douglas County, Nebraska, in 1906, to which has been given the name of the "Nebraska Loess Man." The writer, who was the discoverer of the relics, claims that they are an evidence of the presence of man in America in glacial times. Others, however, are inclined to look upon the bones as of only moderate antiquity.

The four main articles of the February, 1908, issue of *The American Political Science Review* are: the presidential address delivered before the fourth annual meeting of the American Political Science Association on the subject of *The Future of Representative Government*, by F. N. Judson; an article by Paul S. Reinsch on *Failures and Successes at the Second Hague Conference*; a discussion of *Political Theories of the Supreme Court from 1789-1835*, by Charles G. Haines; and a brief consideration, by E. G. Elliott, of the life and works of M. Pradier-Fodéré whose eighth and final volume of *Traité de droit international public européen et américain* has recently appeared.

The first number of volume six of the *University of California Publications in American Archaeology and Ethnology* is a volume of over three hundred pages. It is a treatise by S. A. Barrett on *The Ethno-Geography of the Pomo and Neighboring Indians*. The work was compiled from notes made in an investigation during the years 1903, 1904, and 1906. The object has been chiefly to inquire into the aboriginal boundaries and to determine the dialects and dialectic relations of the Pomo linguistic stock. The issue containing numbers two and three of volume six consists of two papers. The first, by S. A. Barrett, is a discussion of *The Geography and Dialects of the Miwok Indians*, a linguistic family of California that occupies three distinct areas. The writer describes their territorial bounds, their dialects and alphabet, and appends comparative lists of their vocabularies. A. L. Kroeber furnishes the second paper *On the Evidences of the Occupation of Certain Re-*

*gions by the Miwok Indians.* It is short and is mainly a comparison of facts presented in Mr. Barrett's paper and an article published recently by C. Hart Merriam on the *Distribution and Classification of the Mewan Stock of California.*

## IOWANA

A special edition of seventy-five copies of *In Praise of Valor*, by Thomas E. Green, has been printed by The Torch Press of Cedar Rapids, Iowa, on hand-made Ioway Club paper for The Ioway Club.

Considerable Iowa history is to be gleaned from the published proceedings of the *Pioneer Lawmakers Association of Iowa.* The 1907 meeting was the eleventh biennial session and the proceedings appear in a volume of a little more than eighty pages.

A number of articles by C. L. Lucas of the Madrid Historical Society have been appearing recently in the columns of the *Madrid Register-News.* The following topics have received attention: *Boone County's First Theft; Relic of Battle of Horseshoe Bend; and A Visit to the Historic Mound West of Boone.*

Numerous tributes to the life and services of Rev. Ephraim Adams appear in the *Congregational Iowa* and in *The Grinnell Review* for January, 1908. Among his many contributions to the development of the Commonwealth in which he lived so long is his service as Trustee of Iowa College from the time of its founding to the day of his death.

An appreciation entitled *In Memory of Joseph Welton Hubbard* has been recently published in Cedar Rapids. Mr. Hubbard died at Mt. Vernon, September 29, 1907, and the pages of the memorial contain the editorial tribute written by his friend, W. R. Boyd, for the *Cedar Rapids Republican*, together with a verbatim account of the funeral exercises.

A volume in memory of Mrs. John F. Dillon and entitled *Anna Price Dillon Memoirs and Memorials* has been presented to The State Historical Society of Iowa by her husband, by whom it was compiled and arranged. It is a work of nearly five hundred pages

and was printed for private circulation only. It consists largely of selections from Mrs. Dillon's letters written during sojourns in Europe and at other times.

G. P. Putnam's Sons have published in 1908 a second edition of Irving B. Richman's *Rhode Island: Its Making and its Meaning*. The former edition appeared in two volumes. The same material has been combined in the present edition in one volume. Mr. Richman's work on Rhode Island history has won very favorable criticism. He is at present engaged upon a history of the State of California.

A very commendable publication makes its first appearance in January, 1908. It is a quarterly magazine called the *Journal of History* and is published by the Reorganized Church of Jesus Christ of Latter Day Saints at Lamoni, Iowa. The editors are the Church Historian, Heman C. Smith, Frederick M. Smith of the First Presidency, and Assistant Historian D. F. Lambert. Under the direction of these energetic men a good historical product may be expected. The initial number opens with greetings from the editors and a poem on *The Historian's Calling*, by Mrs. M. Walker. The principal articles include one on *Iowa's Attitude Towards the Church*, by Heman C. Smith; a discussion of the life of *William Marks* (an Elder of the Church), by the same writer; a sketch of *Joseph Smith, the Patriarch*, by Elbert A. Smith; and an article on *Polygamy in India*, by C. J. Hunt. This same number contains an article on *Church History*, an extended presentation of the *Local Historians and their Work*, a *Church Chronology*, and a list of *Current Events* for the year 1907.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Beard, J. T.,

*Mine Gases and Explosions: Text-Book for Schools and Colleges and for General Reference*. New York: John Wiley & Sons. London: Chapman & Hall, Limited. 1908.

Conard, Henry Shoemaker, and Hus, Henri,

*Water Lilies and How to Grow Them*. New York: Doubleday, Page, and Company. 1907.

Fairbanks, Arthur,

*Athenian Lekythoi with Outline Drawing in Glaze Varnish on a White Ground.* New York: Macmillan Company. 1907.

Green, Thomas Edward,

*In Praise of Valor.* [New Issue] Cedar Rapids, Iowa: The Ioway Club. 1907.

Lazell, Frederick John,

*Some Winter Days in Iowa.* Cedar Rapids, Iowa: The Torch Press. 1907.

Jones, Samuel C.,

*Reminiscences of the Twenty-Second Iowa Volunteer Infantry.* Iowa City, Iowa: Published by the author. 1907.

Meese, William A.,

*Abraham Lincoln on Waterways.* Moline, Illinois: Published by the author. 1908.

Murphy, Thomas D.,

*British Highways and Byways from a Motor Car.* Boston: L. C. Page & Company. 1908.

Parish, John Carl,

*The Administrative Departments Offices Boards Commissions and Public Institutions of Iowa from 1838 to 1897.* Iowa City, Iowa: Published by the author. 1908.

Parrish, Randall,

*Prisoners of Chance.* Chicago. A. C. McClurg & Company. 1908.

Pickard, Josiah L.,

*A Retrospect of Sixty Years.* Iowa City, Iowa: The State Historical Society of Iowa. 1908.

Raymond, William G.,

*Elements of Railroad Engineering, Volume II.* New York: John Wiley & Sons. 1908.

Richman, Irving Berdine,

*Rhode Island Its Making and its Meaning.* [Second edition.] New York: G. P. Putnam's Sons. 1908.

Salter, William,

*Sixty Years and Other Discourses with Reminiscences.* Boston: The Pilgrim Press. 1907.



## 310 IOWA JOURNAL OF HISTORY AND POLITICS

Shambaugh, Benjamin F.,

*A Second Report on the Public Archives.* Des Moines, Iowa: The Historical Department of Iowa. 1907.

*Proceedings of the Fiftieth Anniversary of the Constitution of Iowa.* Iowa City, Iowa: The State Historical Society of Iowa. 1907.

Shaw, Leslie Mortier,

*Current Issues.* New York: D. Appleton & Company. 1908.

Smith, Heman C.,

*The Truth Defended.* [Fourth edition.] Lamoni, Iowa: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints. 1908.

*True Succession in Church Presidency of the Church of Jesus Christ of Latter Day Saints.* [Third edition.] Lamoni, Iowa: Board of Publication of the Reorganized Church of Jesus Christ of Latter Day Saints. 1908.

Waterman, Nixon,

*Sonnets of a Budding Bard.* Chicago: Forbes and Company. 1907.

### SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

#### *The Register and Leader*

Sketch of Life of David Blue Murrow, a pioneer of Polk County, by L. F. Andrews, December 15, 1907.

Sketch of Life of Samuel B. Garton, a pioneer of Des Moines, by L. F. Andrews, December 22, 1907.

When the Second Iowa Infantry Smashed the St. Joseph Gazette, by Rev. Fred Harris, December 29, 1907.

Reminiscences of a Pioneer Legislator, December 29, 1907.

Sketch of Life of A. G. Field, a pioneer doctor, by L. F. Andrews, January 5, 1908.

Stirring Incidents in the Career of a Pioneer County Judge—William Battin, January 5, 1908.

Calvin Thornton, Des Moines' First Cabinet Maker, by L. F. Andrews, January 12, 1908.

- Strange Chapters in Colonel Snell's Eccentric Life, January 14, 1908.
- Iowa's Oldest Public Building—the old Keosauqua Court House, January 19, 1908.
- When Famous Chums were Rivals, by L. F. Andrews, January 26, 1908.
- Sketch of Life of Judge Josiah Given, February 4, 1908.
- Sketch of Life of Joseph S. Lewis, a pioneer, February 9, 1908.
- Sketch of Life of W. W. McKnight, of Winterset, Iowa, February 16, 1908.
- When "Bob" Cousins "Tore Loose", February 16, 1908.
- Stewart Goodrell, A Fighter of the State Capital Location Days, by L. F. Andrews, February 16, 1908.
- Secession Ordinance Found in an Iowa Home, February 23, 1908.
- Sketch of Life of Rasselas Ellis, a pioneer Iowa school master, February 23, 1908.
- Dr. Josiah F. Kennedy, Iowa State Health Board's Grand Old Man, February 23, 1908.
- Thomas Oliver, former Iowa preacher who invented the typewriter of his name, March 1, 1908.
- Allison's First Notable Fight for the Senate, by L. F. Andrews, March 1, 1908.
- Sketch of Life of William B. Allison, March 2, 1908.
- When Times Were Really Hard, by L. F. Andrews, March 8, 1908.
- "Bill" Coop and His Famous Oxen, Who Moved Iowa's Oldest Building, March 8, 1908.
- How Col. Bowers "Started Something", March 8, 1908.
- Sketch of Life of Charles Aldrich, March 9, 1908.
- Sketch of Life of L. F. Andrews, March 9, 1908.
- Account of funeral of Charles Aldrich, March 12, 1908.
- When Iowa University Was Young, March 15, 1908.
- A Family of Real Pioneers, by L. F. Andrews, March 15, 1908.

*The Burlington Hawk-Eye*

- Twenty Years Ago, December 15, 1907. (In each Sunday issue.)
- The Romance of an Iowan's War Song, December 15, 1907.

## 312 IOWA JOURNAL OF HISTORY AND POLITICS

Sketch of Life of Mrs. Lovisy Holland, who came to Iowa in 1833, December 15, 1907.

Sketch of Life of William Penrose, an Iowa pioneer, February 2, 1908.

Iowa's Oldest Public Building—the old Court House at Keosauqua, February 2, 1908.

An Appreciation of C. E. Perkins, founder of the Burlington Railroad, February 16, 1908.

When "Bob" Cousins "Tore Loose", February 23, 1908.

Perkins of the Burlington, by Frederic A. Delano, March 1, 1908.

Sketch of Life of N. P. Grupe, a pioneer of Burlington, March 8, 1908.

### *The Sioux City Journal*

Twenty Years Ago, items clipped from the Journal's Files, December 29, 1907. (In each Sunday issue).

Sketch of Life of Theophile Bruguier, pioneer and trader, by J. C. C. Hoskins, January 12, 1908.

Account of Early River Traffic at Sioux City, January 22, 1908.

Sketch of Life of Sergeant Charles Floyd, January 22, 1908.

From Indian Canoe to Bridge of Iron, January 23, 1908.

Sketch of Public Services of William B. Allison, March 2, 1908.

Sketch of Life of Charles Aldrich, March 9, 1908.

### *Dubuque Telegraph-Herald*

Sketch of Life of Rev. James Finley Hestwood, pioneer Iowa preacher, February 2, 1908.

Josh Carter and the Famous Grays, March 8, 1908.

## HISTORICAL SOCIETIES

### PUBLICATIONS

Forty-six articles, covering a great variety of topics concerning the Civil War and the Confederate Army and its commanders, make up Volume XXXV of the *Southern Historical Society Papers*, issued in the year 1907.

The *Annual Report of the Ontario Historical Society 1907* contains the Secretary's report, financial report, an account of the annual meeting, and reports of various committees. A large portion of the work is also given over to reports from the affiliated societies.

A reproduction of *Haverhill Inscriptions* taken from the ancient Pentucket cemetery, in Haverhill, occupies the first place in the January number of *The Essex Antiquarian*. The inscriptions comprise all now to be found bearing dates earlier than 1800.

The *Proceedings of the Tenth Annual Meeting of the Old Settlers' Association of Johnson County, Kansas*, is a pamphlet of forty pages of reminiscences. The meeting was also the semi-centennial anniversary of the founding of the city of Olathe, and was made the occasion for the dedication of the Santa Fe Trail monument at that place

The 129th Anniversary of the Battle and Massacre of Wyoming occurred on July 3, 1907. The *Report of the Proceedings of the Wyoming Commemorative Association* contains an address by Judge Simeon E. Baldwin of Connecticut which was read on this occasion. The subject was *Connecticut in Pennsylvania*.

The year-book of the Chicago Historical Society for 1907 has made its appearance. It includes a report of the annual meeting, the Charter, Constitution, and By-Laws of the Society, reports of



the various officers, showing progress and prosperity in its numerous lines, and considerable information regarding membership, donations, etc.

The second volume of *Publications of The Cambridge Historical Society* was issued in 1907 and contained the proceedings of the Society from October 23, 1906 to October 23, 1907. A number of addresses by notable men are herein preserved, two of the meetings reported being the occasions of the celebration of the Longfellow Centenary and of the Agassiz Centenary.

The annual report of The New Haven Colony Historical Society contains reports of the officers, list of officers and members, the address of the President of the Society at the annual meeting, November 18, 1907, and a list of over fifty recent accessions to the museum.

In the January number of the *Register of Kentucky State Historical Society* we note a portrait and brief sketch of *General John C. Breckenridge*; a comment by George C. Downing on the old Stephen's Tavern near Frankfort, *Where Santa Anna was a Prisoner* in 1836; and a narration of the *Discovery of Humboldt Bay*, by L. K. Wood, a Kentucky "forty-niner." Mr. L. F. Johnson's *History of Franklin County, Kentucky*, is continued in this issue.

Two contributions are found in *The Medford Historical Register* for January, 1908. The first is a paper by Charles E. Hurd entitled *Medford Fifty-four Years Ago*; the second in a somewhat extended letter written in 1779 by Colonel Isaac Royall from Kensington, England. Royall was a New Englander who left Massachusetts during the Revolutionary War and crossed over to England.

The major part of *The Essex Institute Historical Collections* of January is taken up with a sketch of *Frederick Townsend Ward*, by Robert S. Rantoul. Ward was a native of Salem, Massachusetts, who left home, fought and died in the service of the Imperial Army and Navy of China, and was buried with pagan rites and ceremonies in Sung-Kiang in China, after a career of only thirty years.

The *Annual Publication of the Historical Society of Southern California and the Tenth Annual Publication of the Pioneers of Los Angeles County—1906* contains a list of the officers of each organization, the Constitution, By-Laws, reports of officers, and membership roll of the pioneers of Los Angeles County and a number of articles, reminiscent and otherwise, dealing with the history of California.

The first item in *The New England Historical and Genealogical Register* for January is a short memoir of *Gen. John Marshall Brown, A. M.*, by Henry S. Burrage. Among the numerous other articles of a genealogical nature we note a memoir of *Alfred Poore*, by Sidney Perley; *Robert Eames of Woburn, Mass.*, and *Some of his Descendants*, by Arthur G. Loring; and *Some Records of Bedford, Mass.*, by Charles W. Jenks.

The December issue of the *Journal of the Presbyterian Historical Society* contains the following: *The Early German Hymn Books of the Reformed Church in the United States*, by Wm. J. Hinke; a continuation of the *Reports upon the Early History of Presbyterian Churches*, covering in this number the churches in "Baltimore Town" and "Soldiers Delight"; and the fourth part of *Records of Accomack County, Virginia, Relating to the Rev. Francis Makemie*.

The *Proceedings of the New Jersey Historical Society* for the period, May to October, 1907, opens with a sketch of *Hendrick Fisher*, by T. E. Davis. Mr. A. Q. Keasbey's discussion of *Slavery in New Jersey* is continued in this number and in the issue for January, 1908. It is an important line of research, and it would be well if every northern State would make a scientific study of the negro problem within its borders. A review of *Berkeley Hall* published in 1796 is given in the January number under the caption of *The First New Jersey Novel*.

Canadian history receives contributions of value in Volume VIII of the *Papers and Records* of the Ontario Historical Society. Some of the topics considered are: *The Insurrection in the Short Hills*

in 1838, by Lieut.-Col. E. Cruikshank; *The First Commission of Peace for the District of Mecklenburg*, by R. V. Rogers; *The Navies on Lake Ontario in the War of 1812*, by Barlow Cumberland; *Early Churches in the Niagara Peninsula, Stamford and Chippawa, with Marriage Records of Thomas Cummings, and Extracts from the Cummings' Papers*, edited by Janet Carnochan; and several articles having to do with the early history of Kingston.

In November, 1907, appeared Part I of Volume V of the *Historical Records and Studies* of the United States Catholic Historical Society. Among the articles in this excellent number we note an article on *New York's First Directory* (that of 1786), by Charles G. Herbermann, with a map of New York City in 1789. Rev. John J. Obrien contributes a sketch of *The Rev. Gabriel Richard: Educator, Statesman, and Priest*. This number also contains a continuation of the *Letters of Rev. P. J. De Smet, S. J., Now Published for the First Time*, and a *Register of the Clergy Laboring in the Archdiocese of New York from Early Missionary Times to 1885*, by Rev. Michael A. Corrigan.

The *Year-Book* of the Swedish-American Historical Society for 1905-1907 appeared in 1907 as a pamphlet of sixty-four pages. Among other things it includes abstracts from the proceedings of the organization meeting, July 22, 1905 (at which time a constitution was adopted), and of the subsequent meetings. The general purposes of the Society are to promote the study of the history of the Swedes in America and their descendants, to collect a library and museum illustrating their development, to issue publications relating to the history of the Swedish people on both sides of the water, and to encourage the study of Swedish history and literature in American universities.

Besides the continuation of the life of *Francis Daniel Pastorius, The Founder of Germantown*, and Mr. Heydrick's *Provincialisms of Southeastern Pennsylvania*, the issue of the *German American Annals* for November and December, 1907, includes a paper on *German Archives as Sources of German-American History*, by Joseph G. Rosengarten. The phase of historical connection between

the two countries that particularly attracts the attention of the writer is the raising of troops in Germany for use by the British in the subjection of the American Colonies. His plea is for the study of German archives in a manner similar to that conducted in other European countries through the agency of the Carnegie Institution.

A sketch by Nelson W. Evans of a curiously eccentric pioneer of Ohio, Charles William Byrd, opens the January number of *The "Old Northwest" Genealogical Quarterly*. Byrd was a delegate of some prominence in the Convention of 1802 which drew up the first Constitution for the State of Ohio. Later he served for a long period of years in the position of United States Judge. The first instalment of *The Noblesse of Canada* is contributed by C. E. Lart. The continuation, in this issue, of *Selections from the Papers of Governor Allen Trimble* includes letters during the years 1828-1830. Among the articles of a genealogical nature we note one on *The John Naylor Family of Pennsylvania*, by Mrs. H. W. Naylor.

Of a documentary nature we find in *The Virginia Magazine of History and Biography* for January, 1908, besides continuations, a collection of *Documents Relating to the French and Indian War, 1755-1762*, edited by Charles E. Kemper, and a series of *Orders and Proclamations for Virginia in Regard to Prizes, Letters of Marque and the Protection of Shipping During the War Between England and Holland, 1665, etc.* There is also included in this issue the *Proceedings of The Virginia Historical Society* in the annual meeting held December 31, 1907. The President of the Society states that it is planned to adhere to the policy of publishing chiefly source material in the *Magazine* and outlines a number of valuable collections the publication of which is being considered.

Appearing in a volume of over two hundred pages, we note Number 16 of the *Publications of the American Jewish Historical* of President Cyrus Adler delivered upon that occasion. A number of profitable studies follow concerning the part taken by Jews in the history of America. Among others are: *Some Jewish Factors Society*. The report of the fourteenth annual meeting, held at Baltimore, March 25, 1906, is here given together with the address



*in the Settlement of the West*, by Max J. Kohler; *The Struggle for Religious Liberty in North Carolina, with Special Reference to the Jews*, by Leon Hühner; and *An Early Jewish Colony in Western Guiana, 1658-1666*, by Samuel Oppenheim.

One is forcibly reminded of the great advance in oceanic transportation during the last two centuries by an article which Henry F. Thompson writes for the December *Maryland Historical Magazine* on *An Atlantic Voyage in the Seventeenth Century*. Certain log-books of vessels trading from England in the latter part of the seventeenth century, now kept in the Bodleian Library, Oxford, England, furnish the data for the article. Other contributions to the December issue are *Indian Place-names in Maryland*, by Charles W. Bump; *Reports of the British Board of Trade and Plantations While Maryland was a Royal Province*, by Bernard C. Steiner; *The Restoration of the Old Senate Chamber in Annapolis*, by De Courcy W. Thom; and various valuable documentary items.

*The Records of an Early Texas Baptist Church*, published in *The Quarterly of the Texas State Historical Association* for October, give a clear idea of the organization and government of an early pioneer church. The part played in frontier life by these early churches is often forgotten. One is frequently reminded, in perusing the pages of these *Records*, of the church life of the Puritan of New England and the direct influence of the religious organization upon every phase of the life of the community. The *Records* cover the years from 1833 to 1847. The remaining contribution to this issue is entitled *New Light on the Tampico Expedition*. It consists of a letter to his wife from a certain George Dedrick and is written from Goliad, Texas, on February 22, 1836. Dedrick is supposed to have been a victim of the massacre at Goliad in the following month.

*The History, Charter, By-Laws, and List of Officers, Members, etc., of the Wyoming Historical and Genealogical Society* (Wilkes-Barré, Pennsylvania) is the title of a pamphlet of forty odd pages appearing in 1907 and containing information along the lines indicated. The Society was founded February 11, 1858, and cele-

brates this year its semi-centennial anniversary. The Society is a private institution deriving its support entirely from membership dues and the income from its endowment, but opens its library to the public and is very largely visited by schools, classes, and individuals. The library consists of eighteen thousand books and pamphlets, about eight-ninths of which are on American history and genealogy and the remainder on geology. Valuable geological and ethnological collections are in the possession of the Society and are accessible to the public. Nine volumes of *Proceedings and Collections* and twenty-five pamphlet titles have been published by the Society.

The principal article in the June, 1907, number of *The Quarterly of the Oregon Historical Society* is part two of F. G. Young's *Financial History of Oregon*. This paper treats of the finances of the Territorial period, 1849-1859. The second instalment of *Recollections of an Indian Agent*, by T. W. Davenport, *Notes from a Government Document on Oregon Conditions in the Fifties*, by Thomas Prosch, and an appreciation of *Two of Oregon's Foremost Commonwealth Builders: Judge Reuben Patrick Boise and Professor Thomas Condon* complete this issue. In the September number we note particularly an article by Thomas M. Anderson on *The Vancouver Reservation Case* and one by Clyde B. Aitchison dealing with *The Mormon Settlements in the Missouri Valley*. The writer of the latter article briefly sketches the history of the early settlements of the Mormons, the trail across Iowa in 1846, the various town beginnings that marked their progress and their later course of migration to their new home in the Rockies.

The beginning of a sketch of the founding and founders of *Asylum: A Colony of French Catholics in Bradford County, Pennsylvania 1794-1800* is found in the September number of the *Records of the American Catholic Historical Society*. The *Sacramental Registers at St. Joseph's Church, Philadelphia* are given for the year 1803. The continuation of the *Correspondence between the Sees of Quebec and Baltimore* covers the years 1807 to 1814. Mr. Schuyler's life of *A Typical Missionary; Rev. Sebastian Rale*,

*the Apostle of the Abnakis* is concluded in this issue. These last three chapters have to do with the troubles between the Indians of this disputed territory of Maine where the Abnakis dwelt and the English settlers. Father Rale who acted as priest, teacher, physician, and counsellor for the Indians is justified by the writer for attempting to fortify the determination of the Indians to resist encroachments of the English, but is defended from the charge of inciting them to unprovoked and brutal assault.

A most useful commentary upon historic events is to be found in the letters and papers of those who have taken an active part in such events. The Buffalo Historical Society has recently issued in two volumes, containing an aggregate of about a thousand pages, the *Millard Fillmore Papers*. No adequate biography of Fillmore exists, and the present volumes furnish an invaluable aid to students of a complex period of our national history. The work is edited by the Secretary of the Society, Mr. Frank H. Severance, who supplies an introduction, critical notes, and an index. Mr. Fillmore's correspondence, carefully preserved through many years, was destroyed in accordance with the terms of his son's will. President Fillmore had, however, deposited with the Buffalo Historical Society, for preservation, an autobiography of his earlier years. This forms the first part of the published collection. A large number of his speeches have been gathered together for this work and form the bulk of the first volume, about seventy-five pages being devoted to his official letters. In the second volume the pages are largely given up to correspondence, dating both before and after the Civil War.

Biographical articles receive the emphasis in the *Annals of Iowa* for January, 1908. Edward H. Stiles contributes an appreciative sketch of *Henry Clay Caldwell* dealing largely with his public addresses and his judicial decisions. Professor Pammel concludes in this issue his sketch of Dr. Edwin James. He quotes many letters and among them a very interesting one from Doctor James commenting on John Brown and his raid at Harper's Ferry. The latter part of the article is devoted to the literary and scientific

work of Doctor James. Edited by William Salter is a bit of *Correspondence of A. C. Dodge and Thomas H. Benton on the Public Lands, the Homestead Bill, and the Pacific Railroad*. A eulogistic article on *Henry Clay Dean*, by J. R. Rippey, awakens somewhat of a protest in the mind of the reader who is mindful of the career of Dean during the Civil War and who is at all familiar with his writings. That he was brilliant and able is unquestioned, but one hesitates to believe that he was either "strenuous in his opposition to slavery" or "intensely patriotic." A brief but interesting *Journal of the Oregon Trail* kept by Lafayette Spencer during the year 1852 is edited by E. R. Harlan.

The *Sixth Annual Report of the Director of the Department of Archives and History of the State of Mississippi*, by Dunbar Rowland, shows energetic and effective work, particularly in the line of obtaining transcripts from the archives of European countries and of Cuba. During the year 1906 Dr. Rowland visited England and France and made arrangements for the transcription of manuscripts relative to Mississippi History to be found in the repositories of those countries. The present *Report* indicates a continuation of the work in the Archives of the Indies at Seville, Spain, and in the archives at Havana, Cuba.

The *Report* shows an addition of ten portraits of deceased Governors of Mississippi to the collection of the Department. Two hundred old newspaper files dating from 1805 to 1875 have been bound during the past year. The Department has also been made the custodian of the Archives of the Synod of Mississippi of the Southern Presbyterian Church. The esteem in which the services of the Director, Dr. Rowland, are held, is attested by the recommendation of the Trustees to the legislature that his salary be increased to three thousand dollars annually. The Department announces the publication of the first volume of *Mississippi Provincial Archives, English Dominion*. From recent information from the Department we learn that up to March, 1908, there had been received ten volumes of transcripts from the British Foreign Office, London, relating to the English occupation of West Florida, three volumes



of transcripts from the Archives of Paris relating to the French occupation, and six volumes of transcriptions from the Archives of the Indies at Seville, Spain.

Professor George B. Adams contributes to the January number of *The American Historical Review* a preliminary paper on *The Origin of the English Constitution* which he hopes to expand later into a more detailed and extensive work. In the present paper he treats of "the first inclination of the constitution toward a limited monarchy", namely, the body of Magna Charta and in particular the sixty-first clause thereof, which provided a means of enforcing the remedy of abuses which the king refused to redress. Under the title of *The Greek Renaissance in Italy*, Louise R. Loomis discusses the revival of learning in the Italian cities of the fifteenth century, her main thesis being that the vaunted recovery of Greek at this time was little more than a dabbling in the language resulting in much poor translation and a superficial semblance of erudition but not a great deal of comprehension of or genuine enthusiasm for the real excellence of the Greek language and literature. *John Knox as a Man of the World* is an interesting study, by Albert Bushnell Hart, of the personal side of the reformer, his literary methods, and his work as a destructive and constructive statesman. The source upon which the writer has largely drawn is the works of John Knox, and constant quotations from sermon or writing impress upon one the bitter intensity of the uncompromising Scotchman. A brief article on *The First Hayburn Case, 1792*, by Max Farrand, treats of that case as the first one in which the United States courts declared unconstitutional an act of Congress. *The American Acta Sanctorum*, printed in this number, is the presidential address of J. Franklin Jameson before the American Historical Association at Madison, Wisconsin, December 27, 1907. It draws a suggestive analogy between the numerous records of ecclesiastical personages in America and the volumes of *Acta Sanctorum* of the Middle Ages. Contributed by Gaillard Hunt to this issue of the *Review* are two documents together with explanatory material. One is a letter written by William W. Moore to Richard K. Crallé for Joseph Gales who was for fifty years

editor of the *National Intelligencer*. The letter concerns the War Manifesto of 1812. The other is a letter from Robert Barnwell Rhett, who succeeded Calhoun in the Senate, to Richard K. Crallé, and has to do with the biography of John C. Calhoun. A communication from George W. Graham will interest those who have followed the controversy over the Mecklenburg Declaration. It deals with the *Cape Fear Mercury* which was taken from the British archives.

## ACTIVITIES

On January 30, 1909, the State Historical Society of Wisconsin will be sixty years old. Preparations are being made for a Diamond Jubilee to be held at that time. The last legislature added \$5000 to the annual appropriation of the Society and made it the depository of the archives of the State.

Prof. W. W. Folwell of the University of Minnesota presented an address on the *Minnesota Constitutional Conventions of 1857* before the Minnesota Historical Society at the annual meeting on January 13, 1908. The Society, begun in 1849, has now a library of over ninety thousand titles. The bound files of newspapers, extending back to 1849, number a little less than eight thousand.

The annual meeting of the Kentucky State Historical Society was held on October 3, 1907, in its rooms in the Old Statehouse. The officers of the Society were reëlected and G. C. Downing was added to the Executive Committee. A prominent feature of the meeting was the unveiling of a number of portraits of the Governors of Kentucky. These include portraits of Governors Christopher Greenup, John L. Helm, Proctor Knott, George Madison, and Charles A. Scott.

An oil portrait of the late Senator James Z. George was presented to the Department of Archives and History of the State of Mississippi on the evening of January 22, 1908. The presentation was made by John Sharp Williams, recently chosen United States Senator from Mississippi, and was accepted for the Department

in a speech by the Director, Dr. Dunbar Rowland. Sincere tribute was paid by both speakers to the long and distinguished career of Senator George.

Phases of the economic history of Arkansas are now the object of investigation by the Arkansas Historical Association. Such topics as the Manufactures of the Confederacy in Arkansas, and the Cotton Tax in Arkansas after the War are receiving attention. The last Legislature of the State increased the appropriation for publications and continued the Arkansas History Commission which works under the direction of the Association. On May 21-23, 1908, the annual meeting will be held at which time the housing of the Association will be considered and the question of a future legislative program discussed.

The Buffalo Historical Society has lately acquired a large collection of titles including many volumes relating to the development of the Niagara Frontier. In coöperation with the Niagara Frontier Landmarks Association, the Society has performed a valuable work in the marking of historic sites in accordance with a plan adopted five years ago.

At a meeting on January 16, 1908, the following officers of the Society were elected: President, Andrew Langdon; Vice President, Hon. Henry W. Hill; Secretary-Treasurer, Frank H. Severance.

The Society contemplates the publication of a volume of documents relative to transportation interests, especially the canal systems of New York.

The Illinois State Historical Society held its ninth annual meeting on January 30 and 31, 1908. Five sessions were held, the last one, on Friday evening, January 31, being the occasion of an address, by Hon. A. E. Stevenson of Bloomington, on *Stephen A. Douglas*. Some of the other speakers and topics during the two days' meetings were: Mr. Horace White of New York City, on *Abraham Lincoln in 1854*, Prof. E. B. Green of the University of Illinois, on *The Writings of James Hall as Material for Western History*, and Mr. J. Seymour Currey, President of the Evanston Historical Society, on *Chicago's North Shore*.

The Madison County (Iowa) Historical Society arranged a program for March 17, 1908. Among the papers listed were the following: *The Evolution of Fencing in Madison County*, by W. S. Wilkinson; *Madison County During War Times*, by Mrs. Caroline Murray; *The Kentucky Settlement in Madison County*, by E. R. Zeller; and *Lost and Forgotten Town Sites in Madison County*, by H. A. Mueller.

The Decatur County (Iowa) Historical Society held a meeting at Leon, Iowa, January 8, 1908. Mr. G. P. Arnold, as President of the Society, called the meeting to order and the Secretary, Mr. Heman C. Smith, read the report of the doings of the organization. Ninety-one members have enrolled since the last meeting of the Society. A fossil crinoid found at Garden Grove was presented to the Society by the President; and a paper by Mr. Heman C. Smith on the settlement of Garden Grove, and one by Mr. J. E. Vail on the names of streams in Decatur County were read. An editorial Committee was appointed consisting of Mr. Heman C. Smith, Mr. Stephen Varga, and Mr. Duncan Campbell, to superintend the publication of all articles read before the Society. A resolution was also passed giving the President discretionary power to send delegates to the meetings of other societies at the expense of the Decatur County Historical Society.

The Nebraska State Historical Society and the Nebraska Territorial Pioneers Association held a joint annual meeting at Lincoln, January 13 and 14, 1908. Among the principal speakers were Hon. William Jennings Bryan who spoke on the subject *History* and Judge Horace E. Deemer of the Supreme Court of Iowa who delivered an address on *The Part of Iowa in the Organization of Nebraska*. The meetings were very largely attended. In the last year the membership of the Nebraska State Historical Society has more than doubled. The museum includes about 28,000 objects, the library some 28,000 titles and nearly as many duplicates for exchange purposes. The bound volumes of newspapers number a little over 2,000 with over five hundred more ready for binding.

How can the public be made to realize that State history is an integral part of national history, and that neither can be adequately



studied without a realization of the importance of the other? This is a problem that always has confronted State historical societies. With a view to giving a greater impetus to the teaching of Mississippi History, a special program was prepared by the Mississippi Historical Society for a History Teachers' Conference at the decennial meeting of the Society, January 9-10, 1908. On the evening of the ninth, Professor Franklin L. Riley reviewed the work of the Mississippi Historical Society since its reorganization in 1898. The principal address was by Albert Bushnell Hart on *What an Historical Society Should Accomplish*. Preliminary arrangements were made for the organization of a permanent Mississippi Association of History Teachers. This appeals to us as a distinctly progressive movement. A widespread interest in and zeal for State history is necessary for the successful carrying on of the work. Ignorance and lack of interest have too often been the cause of the destruction of source materials and the consequent gaps in the record of history.

#### THE HISTORICAL SOCIETY OF MARSHALL COUNTY

A movement inaugurated by the Spinning Wheel Chapter of the Daughters of the American Revolution culminated in the formation of the Historical Society of Marshall County on March 7, 1908. The meeting at which this Society was organized was held in rooms of the Public Library at Marshalltown. Mr. J. L. Carney presided. Professor Benj. F. Shambaugh, Superintendent of The State Historical Society of Iowa, was present upon invitation and gave an informal address upon the work of *State and Local Historical Societies*. At the close of this address the meeting proceeded to the adoption of a constitution and the election of officers.

The officers chosen are: President, Mr. J. L. Carney; Vice President, Mrs. H. J. Howe; Secretary, Mrs. P. F. Arney; Treasurer, Mrs. May F. Montgomery; Curator, Dr. Cora Williams; Members of Board of Directors, Mr. J. L. Carney, Mrs. H. J. Howe, Mrs. P. F. Arney, Mrs. May F. Montgomery, Dr. Cora Williams, Mrs. G. W. Darling, and Mr. L. C. Abbott.

It was voted that the Society become an Auxiliary Member of The State Historical Society of Iowa. A communication was read offering the Society a room in the Public Library.

CONSTITUTION OF THE HISTORICAL SOCIETY OF MARSHALL COUNTY

ARTICLE I—NAME

The name of this Society shall be Historical Society of Marshall County, Iowa. This Society shall be located at Marshalltown, Iowa.

ARTICLE II—OBJECTS

The Society is organized for the purpose of discovery, collection and preservation of books, pamphlets, maps, genealogies, portraits, paintings, relics, manuscripts, letters, journals, surveys, field-books, any and all articles and materials which may establish or illustrate the history of Marshall County, Iowa, or other portions of the State or adjoining States, and the publication of such historical matter as the Society may authorize.

ARTICLE III—MEMBERSHIP

Any person residing in Marshall County may become a member of the Society by signing the Constitution and by payment of the membership fee of fifty cents, which shall be in payment of dues to the first day of the following January. Membership in the Society may be retained by the payment of fifty cents annually, due and payable in each year prior to April 1st. This Society shall have the power of conferring honorary or life membership in its discretion, by a two-thirds vote of the members present at any meeting called for that purpose.

ARTICLE IV—OFFICERS

SEC. 1. The officers of this Society shall be a President, Vice President, Secretary, Treasurer, Curator, and a Board of Directors. The Board of Directors shall consist of the foregoing officers and two additional members of the Society. The officers and members of the Board shall hold office until their successors are elected and qualified, and the Board shall have power to fill vacancies until the next annual meeting.

## 328 IOWA JOURNAL OF HISTORY AND POLITICS

SEC. 2. The officers and directors shall be elected by ballot at the annual meeting of the Society.

### ARTICLE V—BOARD OF DIRECTORS AND STANDING COMMITTEES

SEC. 1. The affairs of the Society shall be managed by the Board of Directors, subject to the provisions of the Constitution and By-laws. All appropriations of the funds of the Society shall be made by the Board of Directors.

SEC. 2. The Society may provide for such standing committees as may be deemed necessary, and assign them such duties as may be expedient.

### ARTICLE VI—MEETINGS OF THE SOCIETY

SEC. 1. The annual meeting of this Society shall be held the third Tuesday in March of each year, or at such other date as shall be fixed by a two-thirds vote of the members present at any meeting called for the purpose of consideration of change of date of annual meeting.

SEC. 2. Special meetings may be held at the call of the President and Secretary.

SEC. 3. Five members shall constitute a quorum for the transaction of business.

SEC. 4. No indebtedness shall be incurred by the Board of Directors in excess of the amount of funds in the hands of the Treasurer not already appropriated, unless by the direction of a majority of the Society at a stated meeting of which there shall have been due notice to all members.

### ARTICLE VII—AMENDMENTS

The Constitution may be amended by a majority vote of the members present at any stated meeting, provided a written notice of such amendments shall have been given at least thirty (30) days previous to such meeting.

### THE STATE HISTORICAL SOCIETY OF IOWA

Card catalogue cases, supply-drawers, magazine shelves, and a series of manuscript safes have recently been installed in the rooms

of the Society. The work is all in steel having been made especially for the use of the Society by the Art Metal Construction Company. A large steel safe has also been placed in the Curators' room for the better preservation and safe-keeping of the official papers and records.

The Society has put to press a book of about 400 pages on *Amana, The Community of True Inspiration*. It is hoped that the edition will be ready for distribution in June.

Mr. John C. Parish, author of the biography of Governor Robert Lucas, is now preparing a biography of Governor John Chambers which will be published in the *Iowa Biographical Series*.

During the last quarter the Society has added many valuable items to its collection of Iowana, among which are a number of rare publications in the Dutch language, relating to Pella, Iowa, and to other Dutch settlements in America.

A biography of Augustus Cæsar Dodge, Delegate to Congress from the Territory of Iowa, later United States Senator from Iowa, and still later United States Minister to Spain, is being prepared by Mr. Louis Pelzer.

From the Library of Congress and from the libraries of historical and learned societies the library of The State Historical Society of Iowa has received many odd volumes and numbers of periodicals needed to complete broken sets. The library has adopted the policy, inaugurated by the library of Congress, of issuing "Wants" and "Offers" lists from time to time. A new and revised list of "Wants" will be issued some time in May.

Since January 1, 1908, the following have been elected to membership in the Society: Mr. Heman C. Smith, Lamoni, Iowa; Mr. Smith McPherson, Red Oak, Iowa; Mr. Thomas D. Murphy, Red Oak, Iowa; Mr. John F. Dillon, New York City; Mr. G. S. Otis, Monona, Iowa; Mr. Byron L. Morgan, Fremont, Nebraska; Dr. Henry Albert, Iowa City, Iowa; Mrs. Bernhardine Wachsmuth, Burlington, Iowa; Mr. J. H. Kelley, Des Moines, Iowa; Mr. Charles



330 IOWA JOURNAL OF HISTORY AND POLITICS

A. Clark, Cedar Rapids, Iowa; Mr. W. I. Pratt, Iowa City, Iowa; Mr. William C. McArthur, Des Moines, Iowa; and Mr. W. D. Cannon, Iowa City, Iowa.

The Public Library of Burlington has recently sent to the Society from its duplicate stock a number of copies of the first series of the *Annals of Iowa*, with the aid of which a set of this series in their original covers has been completed. It is believed that but few, if any other sets in the original covers are in existence.

## NOTES AND COMMENT

In two cities of Iowa, namely Des Moines and Cedar Rapids, the Des Moines Plan of City Government has received a favorable vote and will be given a chance to prove its efficiency. Davenport and Sioux City have each voted down the proposition to institute such municipal organization.

The Board of Trustees of the Historical Department of Iowa has appointed Mr. E. R. Harlan as Acting Curator to perform the duties formerly devolving upon Mr. Charles Aldrich. Mr. Harlan has during the past year been acting as assistant to Mr. Aldrich.

During the summer of 1907 Harlan I. Smith was engaged in archæological research in the State of Wyoming, visiting ancient stone quarries, and examining and photographing pictographs and petroglyphs.

A lecture on the *History of the West* with stereopticon illustrations from early Iowa history was delivered by Professor Benj. F. Shambaugh of The State Historical Society of Iowa, on March 2, 1908, under the auspices of the Davenport Academy of Sciences at Davenport, Iowa.

Mr. J. A. Doyle, whose death occurred in August, 1907, succeeded in preparing for publication in his last years the fourth and fifth volumes of his work on *English Colonies in America*. These latest volumes deal with *The Middle Colonies*, and *The Colonies Under the House of Hanover* and appeared in the year 1907.

On the site of Fort Boonesborough, the first permanent settlement in Kentucky, a monument was unveiled October 5, 1907. The commemoration of this historic spot where in 1775 Daniel Boone first planted Kentucky civilization has long been neglected and has now been accomplished through the instrumentality of

the Boonesborough chapter of Daughters of the American Revolution.

The first annual meeting of the Iowa Tax Revision Association was held January 21, 1908, at the Savery, in Des Moines. The Association was organized in March, 1907, for the purpose of investigating the subject of the taxation laws of the State and adopting a comprehensive plan of reform. A State tax commission is much needed in Iowa.

A dictionary of the Navaho language is being prepared for publication by the Franciscan Fathers of St. Michaels, Arizona. The work will contain a series of articles on the religion, ceremonies, arts, and industries of the Navaho Indians together with lists of Navaho terms used in connection with these interests. Lists of Navaho names for persons, stars, plants, animals, places, etc., will also be included.

A manuscript purporting to be the original Ordinance of Secession of the State of South Carolina has come to light at the town of Norway, Iowa. During the Civil War it was found by a Union officer in an abandoned building used for headquarters of a Confederate officer in South Carolina and it has since been in the possession of his family in Iowa. The manuscript will be placed in the care of the Historical Department at Des Moines, Iowa.

The *Register and Leader* of Sunday, March 1, contains an account of the annual Hawkeye picnic held in Eastlake Park, Los Angeles, California, on Washington's birthday. On that day ten thousand former Iowans, with their friends, gathered at the beautiful park for this annual reunion. There were headquarters for each of the counties from Adair to Wright, and thus in groups the people gathered and talked of olden times in Iowa. There were speeches by Ex-Governor Horace Boies and other men who have been prominent in this State.

The last General Assembly of the State of Iowa provided for an educational commission for the purpose of revising and codifying the school laws of the State. The commission was to consist of one

educator of the State and two practising attorneys, to be appointed by the Governor. The law gives the commission "power to rearrange, revise and codify the existing laws relating to the public schools, and recommend additional needed legislation." A complete report is required to be made to the Thirty-third General Assembly and to be filed with the State Superintendent of Public Instruction on or before November 1, 1908. The commission, as appointed by Governor Cummins, consists of Professor Frederick E. Bolton of The State University of Iowa, Mr. Arthur Springer of Wapello, and Mr. William H. Baily of Des Moines.

The Iowa Society of New York held a social reception at Dur-yea's Hall, West 72nd Street and Broadway, New York City on February 5, 1908. All Iowans in the city of New York or within a hundred miles of the city were invited to this occasion. A program was given opened by remarks from Grenville M. Dodge, President of the Society. Some of those who appeared on the program were Hon. Leslie M. Shaw, Mr. Henry Frank, Mrs. Ret Clarkson, Dr. Woods Hutchinson, Mr. Trumbull White, and Mrs. Carrie Chapman Catt. The annual banquet of the Society was announced for March 21, 1908, at which time Governor Cummins, Senator DOLLIVER, John S. Runnells, and Congressman Frank O. Lowden were scheduled to speak. The Society also has planned for two other social functions during the year, one of a literary character and the other a fishing picnic to be held in May or June.

#### CHARLES ALDRICH

In the eightieth year of his life and after fifty years of service to the State which now mourns his departure, Charles Aldrich passed away at Boone, Iowa, on the morning of March 8, 1908. He was a man who lived with a purpose, who followed his ideals with an intense persistence and who accomplished much—more than will be realized until the retrospect of years shows the value of his ideals. He was born at Ellington, New York, October 2, 1828. In that State he was educated and began his work in journalism, the primary occupation of his life. In 1857 he removed to Iowa and founded the *Webster City Freeman* and from that time



forward his name is inseparably linked with the history and politics of the State. In 1860, 1862, 1866, and 1870 he was Chief Clerk of the Iowa House of Representatives. At the time of his country's need he entered the Union Army, and served from 1862 to 1864 with the Thirty-second Regiment of Iowa Volunteers, acting as First Lieutenant and Adjutant. At various times he was connected with the *Dubuque Daily Times*, the *Marshall County Times* and the *Chicago Inter Ocean*. He served on numerous important commissions, was a member of the House of Representatives in 1882, made three trips to Europe, and for sixteen years was Curator of the Historical Department at Des Moines. But a mere recital of positions and deeds gives no adequate conception of the life of a man like Charles Aldrich. His life was dominated not by duties but by ideals.

As a legislator he advocated legislation against passes a quarter of a century before the State saw the wisdom of his contention sufficiently to put it into law. All his life he was an enthusiastic, indefatigable, and eminently successful collector of historical material. His collection of autographs, gathered during years of extensive acquaintance on both sides of the water, was donated by him to the State and formed the nucleus of the Historical Department. Since the organization of the Department in 1892, Mr. Aldrich has been its Curator. He has been the cause of its growth from insignificant beginnings to a splendid institution. In spite of insufficient support, of hostility that dared not meet him openly, and of apathetic indifference, he persisted in his work until the State began to realize that here was a man and an institution which deserved the best the State could give. In his last days he saw the material evidence of his years of hoping and planning built into the Historical Memorial and Art Building at Des Moines, and as the finishing work drew to a close his indomitable spirit passed away. But when the material structure has given way to the ravages of time, the work which he has accomplished for the history of the State and above all the influence which he left as a man among men will still be unforgotten.

## CONTRIBUTORS

LOUIS PELZER, Research Assistant in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1908, p. 159.)

JOHN CARL PARISH, Assistant Editor in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1908, p. 159.)



THE IOWA JOURNAL OF HISTORY AND POLITICS

JULY NINETEEN HUNDRED EIGHT

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## THE HISTORY OF LIQUOR LEGISLATION IN IOWA 1861-1878<sup>1</sup>

The history of legislative attempts to regulate the manufacture and sale of intoxicating liquors in Iowa during the period from 1861 to 1878 is characterized chiefly by the efforts, both in the legislature and on the part of temperance workers, to strengthen and enforce the prohibitory law of 1855, and to secure the repeal of the wine and beer clause of 1858 which practically made prohibition a farce. Referring to the operation of this famous clause one writer says that "through the concessions made to native wines and the specious plea for the lighter drinks as a temperance measure, drinks of all kinds were sold."<sup>2</sup>

### LIQUOR LEGISLATION DURING THE CIVIL WAR

The temperance movement, which in 1855 resulted in the passage and adoption of a rigid prohibitory law, had been forced farther and farther into the background in the years immediately preceding the Civil War. During the years from 1861 to 1865 it was lost sight of almost entirely. Nor is it strange that, when nearly every home in the State was represented on the field of battle, the temperance question should receive but little attention. One might search almost indefinitely in the newspapers of those years and find but little mention of the matter, except the occasional notice of a temperance lecture or an article on the evil effects of strong drink. The war and the preservation of the Union were the themes which overshadowed all others. It is doubt-

<sup>1</sup> For papers on liquor legislation in Iowa before 1861, see *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. V, No. 2, p. 193; Vol. VI, No. 1, p. 55.

<sup>2</sup> Alden's *Prohibition Handbook for Iowa*, p. 5.

less true, however, that during these years the various local temperance organizations, such as the Good Templars and surviving societies of the Sons of Temperance, continued to hold occasional meetings, but these were probably more of a social or fraternal nature than for the purpose of active temperance work.

The General Assembly, however, took occasion during these years to touch upon the liquor problem in three acts. The first of these was an act supplementary to the prohibitory law of 1855 and was approved March 20, 1862.<sup>3</sup> It provided that if any person should "by the manufacture or sale of intoxicating liquors" contrary to the prohibitory law "cause the intoxication of any other person" he should "be liable for and compelled to pay a reasonable compensation to any person or persons who may take charge of and provide for such intoxicated person or persons, and one dollar per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sums may be recovered in a civil action before any court having jurisdiction thereof." Moreover, it was provided that anyone who should be injured as the result of intoxication in another, should have the right to bring suit for damages against the person who had furnished the intoxicating liquor. The property of the seller, "as well as the premises and property, personal or real, occupied and used for that purpose with the consent or knowledge of the owner thereof or his agent", was held liable for the payment of such damages.

On April 2, 1862, "An Act to amend the law in reference to the sale of intoxicating liquors" was approved. It will be remembered that the prohibitory law as amended in 1857 had given the County Judge the power to grant permission to sell intoxicating liquor for mechanical, medicinal,

<sup>3</sup> *Laws of Iowa*, 1862, p. 50.

culinary, and sacramental purposes to anyone who had secured the certificates of twelve citizens of the township attesting his good moral character, and who had furnished the proper bond and securities. The act of April 2, 1862, placed further restrictions on this provision, by declaring that "all such permissions hereafter issued by virtue of said Act, shall specify the house in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force, which in no case shall exceed twelve months." It was provided that the book of sales and purchases kept by the agent granted this permission should be open to inspection by sheriffs, constables or justices of the peace. Upon receiving information that the law was being violated, the County Judge was required to summon the agent to appear and answer for selling in violation of law. In case of conviction the permission to sell liquor was to be revoked and the offender declared incompetent to hold such permission again within the State for a period of two years. All liquors held for sale contrary to law might be confiscated and destroyed. Finally, it was provided that search warrants might be issued "on the written information on oath, of one credible person, a resident of the County, instead of three," as had formerly been required.<sup>4</sup>

By an act of March 28, 1864, the sale of intoxicating liquors at or within one hundred and sixty rods of the grounds of any "County or District Agricultural Society Fair" was strictly forbidden.<sup>5</sup> Thus it will be seen that in the field of legislation much was done during these four years to make the prohibitory law more stringent. It was of little avail, however, for those who would have been interested in the enforcement of the prohibitory law were

<sup>4</sup> *Laws of Iowa*, 1862, pp. 101-103.

<sup>5</sup> *Laws of Iowa*, 1864, p. 140.



putting forth their energies in the endeavor to enforce the unwritten law of American Union upon the seceding South. Under these circumstances dealers in intoxicating liquors undoubtedly did a flourishing business. Under protection of the "wine and beer clause" liquor was sold almost without restrictions. Leaders in the temperance movement in this State looked upon the Civil War as a great misfortune to their cause, since it gave the liquor dealers opportunity to extend their business unmolested.<sup>6</sup>

#### PROHIBITION AND POLITICS 1865-1867

From the campaign of 1859, when the Democrats in their State platform declared so emphatically against the prohibitory law, until the year 1865, the temperance question was not mentioned in the platforms of the political parties. On August 23, 1865, the so-called "Soldiers' Convention" was held at Des Moines. This convention was made up largely of bolters from the Republican party, and the faction thus organized was termed "The Union Anti-Negro Suffrage Party." The fifth plank in the platform adopted by this convention was as follows:

'That inasmuch as we do not sufficiently know the sentiment of the people of the State in regard to the prohibitory liquor law, we deem it expedient to refer this matter to the different county conventions to take such action in the matter as by them is deemed proper, and to instruct their senators and representatives accordingly.'<sup>7</sup>

This moderate declaration would have been less significant had it not been virtually adopted by the Democratic party which, at its convention held on the same day, made no nominations but voted to support the "Soldiers' Ticket", which was headed by Thomas H. Benton, Jr.<sup>8</sup> There is no

<sup>6</sup> Fellows's *History of Prohibition in Iowa*, p. 3.

<sup>7</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 71.

<sup>8</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 72.

evidence, however, that the temperance question figured to any considerable extent in the election of 1865.

The following year (1866) the question was forced into politics in a somewhat more decided manner by the action of the Liquor Dealers' Association. In 1865 this association had imposed dues upon its members for the purpose of raising a fund to be used in fighting the prohibitory law and in influencing elections. At their meeting in the spring of 1866 the liquor dealers complained that not only had their "numerous and urgent petitions" for the repeal of the prohibitory law been ignored by the legislature, but there had even been threats that the law would be made more stringent. As a consequence of this state of affairs they adopted the following resolution:

*Resolved*, That we deem it expedient to make this a paramount issue above all others, and to use all honorable means to bring about the repeal of this fanatical law, and that we for that purpose mutually pledge ourselves henceforth to vote for no candidate, for any office, whatsoever, unless he shall publicly and in writing declare himself opposed to the present liquor law, and that he will exert all his influence to obtain the repeal of the same.<sup>9</sup>

This resolution apparently induced the Democrats to place in their platform of 1866 a plank denouncing the prohibitory law, just as in 1854 a similar resolution of a temperance convention had induced the Whigs to embody in their platform a declaration in favor of the enactment of such a law. The plank in the Democratic platform of 1866, as in 1859, declared the prohibitory law "inconsistent with the genius of a free people, and unjust and burdensome in its operations," and expressed the opinion that it should be repealed.<sup>10</sup> Moreover, in the platform of 1867 this same party not only declared in favor of the repeal of the pro-

<sup>9</sup> *Iowa City Republican*, Vol. XVII, No. 912, Wednesday, May 16, 1866.

<sup>10</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 74.

hibitory law, but advocated the enactment of "a well regulated license law in lieu thereof."<sup>11</sup> It may be added that this policy has been consistently followed by the Democratic party in Iowa ever since the declaration in 1867. During these years the temperance question was entirely ignored in the Republican platforms.

#### THE LIQUOR LAWS OF 1868

The twelfth General Assembly convened January 13, 1868, and adjourned April 8. Between these dates there occurred on the floors of both houses a lively contest between the forces of license and prohibition, and in the end the matter stood about where it did at the beginning. Petitions to the legislature poured in from both factions. Late in 1867 a petition for a license system and the repeal of the prohibitory law was circulated and it received a large number of signatures, especially in the river counties.<sup>12</sup> This petition, together with the determined attitude which the liquor dealers had assumed, aroused the friends of prohibition to action. A petition for absolute prohibition was circulated and was signed by approximately forty thousand people.<sup>13</sup> Thus it would have been somewhat difficult for the legislature to determine exactly what was the will of the majority of the people in regard to liquor legislation.

Without going into details it may be said that during this session of the legislature, numerous bills were introduced into both houses, touching upon the liquor problem. In substance these bills varied all the way from a license system with no prohibitions to absolute prohibition of the sale of all liquors, including beer and wine. Indeed, a study of these bills would reveal the attitude which the various

<sup>11</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 78.

<sup>12</sup> Public Archives, Office of the Secretary of State, Des Moines.

<sup>13</sup> Public Archives, Office of the Secretary of State, Des Moines.

groups of people took toward the question at that time. In the end a majority of the bills were either laid on the table or reported upon unfavorably by the committee to which they were referred; but the battle was fought with considerable earnestness by both factions.<sup>14</sup>

In the Senate the Committee on the Suppression of Intemperance made a majority report in favor of the passage of a compromise measure of which mention will be made later. Two minority reports were also submitted by members of this committee. One of these minority reports was submitted by two men who desired the enactment of a rigid and absolute prohibitory law, and hence were dissatisfied with the half measure recommended by the majority report. They urged that the prohibition of crimes, such as murder, theft, swindling, forgery, and counterfeiting, was recognized by all as right and proper; and that since the traffic in intoxicating liquors was productive of greater evils than any or all of these other crimes, it should also be prohibited. Moreover, they contended that in cases of this kind "individual rights must be given up for the good of the many." The other minority report was prepared by one member of the committee who was strongly in favor of a license law. He advanced the usual arguments that prohibition had failed as a temperance measure, and that it violated the rights of citizens.<sup>15</sup>

In the House of Representatives the sentiment was apparently stronger in favor of prohibition than of a license system. On January 22 the following resolution was introduced:

*Resolved*, That it is the sense of this House that the present prohibitory liquor law of Iowa should be repealed, and a judicious license law enacted in lieu thereof.

<sup>14</sup> See *Journal of the Senate* and *Journal of the House of Representatives*, 1868.

<sup>15</sup> *Report of Committee on the Suppression of Intemperance in Legislative Documents*, 1868, Vol. II.



This resolution was immediately laid on the table by a vote of sixty-nine to twenty-seven.<sup>16</sup> Later on the same day another resolution was introduced which reads as follows:

*Resolved*, That it is the sense of this House that the sale of intoxicating liquors as a beverage is a crime, and as such it can not be licensed, but should be entirely and unqualifiedly prohibited as any other crime; and if necessary for the suppression of intemperance, we ought to enact a more stringent law upon the subject, and also to provide for its perfect enforcement by creating a State constabulary for this express purpose.

There was an effort made to lay this resolution on the table also, but it failed by a vote of sixty-nine to twenty-eight; and by a vote of seventy to twenty-seven it was referred to the Committee on the Suppression of Intemperance.<sup>17</sup> A comparison of these votes will show that the majority of the members were consistent in their opposition to a license system.

Finally, after much debate, two bills received the required majority in both houses and were enacted into laws which were both approved on April 7, 1868. One of these laws was entitled "An Act to Amend Sections 1575 and 1576 of the Revision of 1860 in relation to Permits for the Sale of Intoxicating Liquors." It provided that the certificate of good moral character, signed by twelve citizens of the township, which the applicant for a permission to sell intoxicating liquors was required to present, must also state the purpose for which it was obtained. Furthermore, the County Judge was not allowed to grant such permission until a final hearing (of which ten days notice had been given) should be held; and the applicant was required to pay the expenses of notice and a fee of two dollars for final hearing. It was provided that at such hearing any

<sup>16</sup> *Journal of the House of Representatives*, 1868, p. 98.

<sup>17</sup> *Journal of the House of Representatives*, 1868, pp. 99, 100.

citizen of the county might "appear and show cause why such permit should not be granted," and if the judge should consider these objections valid, or that in any other way the law was not being complied with, the permission should be refused.<sup>18</sup>

The other law approved on April 7, 1868, was "An Act in Relation to the Sale of Intoxicating Liquors in Incorporated Cities and Towns." Section two of this act made the following provision: "All incorporated towns and cities not incorporated under the general incorporation law shall have the power to regulate or prohibit the sale of intoxicating liquors not prohibited by State law, and such power to regulate shall include the power to assess or impose a tax on such sale." Moreover, the general incorporation law was so amended as to extend to all other incorporated towns and cities the same privilege which was hereby granted to the special charter communities.<sup>19</sup> This law, as may readily be seen, meant local option in all incorporated towns and cities, but only in regard to the sale of beer, native wine, and cider, since these were the only liquors the sale of which was not prohibited by law. It was distinctly a compromise measure and was not satisfactory to either faction. It fell far short of absolute prohibition and it was by no means a general license law. Thus another legislature adjourned without satisfying either side.

#### THE PROHIBITIONISTS AND THE CAMPAIGN OF 1869

After the enactment of the laws of 1868 each side seemed for a time to be resting on its oars. In its practical application it may be said that the local option measure was on the whole more favorable to the friends of license than to the advocates of prohibition. Nearly all the larger cities

<sup>18</sup> *Laws of Iowa*, 1868, p. 170.

<sup>19</sup> *Laws of Iowa*, 1868, p. 214.

of the State chose to "regulate" rather than "prohibit" the sale of beer, wine, and cider, and imposed a tax on such sale. Consequently, although the law was not all that the liquor dealers might have desired, for several succeeding years they made no decided effort to secure a more sweeping license law.

The Prohibitionists, on the other hand, soon found that they had gained but little by the laws of 1868, if indeed they were not placed at a disadvantage. Early in 1869, the year in which a Governor was to be elected, some of the more radical temperance leaders caused a small ripple of excitement by suggesting the advisability of forming a third party. This was a bold suggestion for that day, and as might have been expected brought forth violent opposition from the more conservative people. The old idea still prevailed with many that the temperance question should be kept out of politics as far as possible. Moreover, the majority of the Prohibitionists were members of the Republican party and were not willing to leave its ranks. Furthermore, they were convinced that it was only through the Republican party that prohibition could be secured. Nevertheless, the possibility of the formation of a third party caused some anxiety among Republican leaders, as the following extract from an editorial in a Des Moines newspaper seems to indicate:

In this State there has been considerable talk among a portion of the friends of temperance of organizing an independent party . . . . A third party in this State could do no good, and might do much evil; as it would be too weak to do any more than weaken the great party which has always been the ally and helper of the temperance hosts. . . The Republican party has ever been faithful to the interests of the cause; and has made as much haste with its reform as prudence would justify and common sense would warrant.<sup>20</sup>

<sup>20</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIV, No. 13, Wednesday, May 12, 1869.

Another Des Moines newspaper, while it was opposed to a third party and recognized the Republican party as the best agency through which prohibition might be secured, urged that "the Republican party declare as openly and candidly against License as the Democratic party has declared for License."<sup>21</sup>

On June 10, 1869, the Republican State Convention was held at Des Moines. Early in the proceedings a communication from a committee of temperance men was read, asking the party to declare in favor of prohibition.<sup>22</sup> The matter was referred to the committee on resolutions, but the committee failed to embody any such declaration in the platform which was adopted by the convention, and the temperance question was entirely ignored. The immediate result may be seen in the proceedings of the State Temperance Convention which met in Des Moines on the evening of the same day, June 10.

There were about fifty accredited delegates at this convention, but no regular organization was effected,<sup>23</sup> nor was anything done except the adoption of a series of four resolutions.<sup>24</sup> Of these the first three were in the nature of declarations in favor of absolute prohibition and pledges to use every effort to secure that end. It was the last resolution that was really interesting in the light of its evolution in the convention. As adopted this resolution reads as follows:

*Resolved*, That this Convention pledge its support only to such candidates as will squarely stand on temperance principles, and pledge themselves to carry them out.

<sup>21</sup> *Des Moines Daily Bulletin*, No. 66, Wednesday, May 26, 1869.

<sup>22</sup> *The Tipton Advertiser*, Vol. XVI, No. 24, June 17, 1869.

<sup>23</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIV, No. 18, Wednesday, June 16, 1869.

<sup>24</sup> *Des Moines Daily Bulletin*, No. 80, Friday, June 11, 1869.



As originally introduced this resolution was of a radically different nature:

*Resolved*, That we cordially endorse the ticket this day nominated by the Republican Convention, and will give it our united and hearty support.

Such opposition was called forth by this endorsement of a party which had absolutely ignored the temperance question that the resolution was quickly withdrawn, and the following substitute was made:

*Resolved*, That we are rejoiced to see that the Republican State Convention has put in nomination sound temperance men, notwithstanding it ignored wholly the temperance cause; but that this convention pledge its support only to such candidates as will squarely stand on temperance principles, and pledge themselves to carry them out.

It was then moved to strike out all recognition of the Republican party, and the resolution was adopted as first given above. It is evident that the refusal of the Republicans to declare in favor of prohibition had caused much dissatisfaction among the friends of that cause. This convention, perhaps, marks the real beginning of that feeling which in a few years was to result in the formation of a third party and in forcing the Republican party to take a definite stand on the temperance question. At this time, however, the prohibition issue had not gained sufficient strength to induce many men to leave the party to which they were bound by stronger ties.

There were, nevertheless, a sufficient number who still persisted in the third party idea to keep the question before the people during the campaign of 1869. On the one hand, it was argued that since the Republican party had taken no action, the formation of a third party was necessary if a prohibitory law was to be secured. In reply it was contended that even though the Republican party had

"treated the license question rather cavalierly," its candidates were in full sympathy with prohibition and hence it would be foolish to organize a third party. But in spite of all the talk and dissatisfaction the temperance question played little part in the election of 1869. The Republican State ticket received a much larger majority than in the election of 1867. In Marshall, Clinton, Boone, and Clarke counties third party tickets were put in the field, but if they had any effect it was purely local. It was charged that those who thus withdrew from the Republican party did so, not so much because they were wedded to prohibition as because they were disappointed political aspirants and "there was no other issue on which they could manufacture thunder so cheaply."<sup>25</sup>

The Democrats in their platform adopted July 14, 1869, again declared that "in the opinion of this convention the so-called Maine liquor law, which now disgraces the statute books of the State of Iowa, ought to be repealed at the earliest possible moment."<sup>26</sup>

#### THE LOCAL OPTION LAW OF 1870

The temperance question was treated with much greater indifference by the Thirteenth General Assembly than at the preceding session. No decided efforts seem to have been made by either faction to secure legislation in accord with their views. A few petitions were presented and a few bills were introduced by both sides, but there was not the struggle that was witnessed in 1868. Aside from the ordinary matters of legislation, the members seemed more interested in the question of woman suffrage, and in the ratification of the fifteenth amendment to the Constitu-

<sup>25</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIV, No. 29, Wednesday, September 1, 1869.

<sup>26</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 83.

tion of the United States than in anything else. Consequently a local option measure was passed without much trouble, probably because it seemed the easiest way out of the difficulty.

It is interesting to note that nearly all the local option laws in the history of Iowa liquor legislation have either followed a particularly sharp struggle between the contending factions of license and prohibition, or have come at a time when the party in power had no great fear of defeat at the next election.

The law of 1870 was entitled "An Act to Provide for the Prohibition of the Sale of Ale, Wine, and Beer in Counties, by a Vote of the People", and it was approved April 8. The first and second sections prohibited the sale of "any ale, wine, malt liquors, or beer of any kind," with the usual exceptions, and provided penalties for selling in violation of law. It was the third section which gave to the law its peculiar character. It was made a duty of the Board of Supervisors of each organized county to determine at their regular June sessions of each year "whether the adoption of the provisions of this act shall be submitted to the legal voters of the county at the ensuing general election." If the Board of Supervisors did so determine they were to give due notice of that fact at least four weeks before the regular election, and the electors of the county were permitted to write or print "For Prohibition" or "Against Prohibition" on their ballots. It was further provided that "if a majority of all the votes cast at such election in said county be 'for prohibition', then, and not otherwise, shall the provisions of this act be in full force in said county from and after the first Monday in January next following such election." In case the majority of votes should be against prohibition then the sale of ale, wine, and beer was to be permitted according to the provisions

of the *Revision of 1860* and the law of 1868 in relation to such sale in incorporated towns and cities.<sup>27</sup>

By some people this law was received with hearty approval. "The Legislature", declared a Des Moines editor, "in our opinion, made a wise disposal of this question when it left it for each county to decide for itself".<sup>28</sup> It appears that at the October elections in 1870 thirty counties took advantage of the law and voted on the question of prohibition. Of these, seventeen declared in favor of prohibition, ten against it, and three made no report.<sup>29</sup>

The local option law of 1870 was, however, a disappointment to the majority of the temperance party. One writer refers to it as "a splendid exhibition of political legerdemain; of doing a thing and not doing it at the same time."<sup>30</sup> Certainly it would be difficult to find a better example of a paradox in legislation. Obviously either this law was never intended to be enforced and was a mere trick to get rid of the matter, or the members of the General Assembly were profoundly ignorant of the principles of Iowa Constitutional Law as pointed out in a previous decision of the Supreme Court in regard to a law almost identical with this one.<sup>31</sup> At any rate the law of 1870 was short-lived, for it was declared unconstitutional by the Supreme Court of Iowa at its December term in 1871, on the ground that it conferred the law-making power on a body to which that power had not been granted by the Constitution of the State.<sup>32</sup> This decision, however, did not affect the validity

<sup>27</sup> *Laws of Iowa*, 1870, pp. 82, 83.

<sup>28</sup> *Daily Iowa State Register* (Des Moines), Vol. IX, No. 248, Thursday, October 20, 1870.

<sup>29</sup> *Daily Iowa State Register* (Des Moines), Vol. IX, No. 249, Friday, October 21, 1870.

<sup>30</sup> Alden's *Prohibition Handbook for Iowa*, p. 5.

<sup>31</sup> THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VI, No. 1, p. 85.

<sup>32</sup> *The State v. Weir*, 33 Iowa, 134.



of the law of 1868 which had given cities and towns the power to regulate or prohibit the sale of intoxicating liquors within their respective corporations.

#### THE LAW OF 1872

The two years from 1870 to 1872 were not marked by any wide-spread temperance agitation in Iowa. The friends of a license system were too well satisfied with the law as it stood to push matters further, and the advocates of prohibition were so disheartened by their repeated failures that they were not as active as before. Nevertheless, the interest in the temperance question was merely lying dormant and occasionally blazed forth in various localities. During June and July, 1870, a series of out-door temperance meetings was held at Des Moines and considerable enthusiasm was manifested.<sup>33</sup> During this year also there was a revival of the Sons of Temperance, an organization which in earlier years had been very influential.<sup>34</sup>

On July 11, 1871, a Methodist convention was held at Iowa City, and at this convention the temperance question was one of the leading topics for consideration. The formation of a third party was strongly opposed on the ground that the desired end could best be reached through the agency of one of the existing political organizations. Moreover the convention declared that "while we recognize it as the duty of the Christian citizen to obey and enforce existing laws on the subject of temperance, and that moral sentiment must precede such enforcement, yet we will not rest short of a thorough prohibitory law that will ultimately sweep from our soil the accursed traffic."<sup>35</sup>

<sup>33</sup> *Daily Iowa State Register* (Des Moines), Vol. IX, Nos. 145 and 157, Tuesday, June 21, 1870, and Wednesday, July 6, 1870.

<sup>34</sup> *Daily Iowa State Register* (Des Moines), Vol. IX, No. 233, Sunday, October 2, 1870.

<sup>35</sup> *Daily Iowa State Register* (Des Moines), Vol. X, No. 162, Saturday, July 15, 1871.

During the autumn of 1871 a movement known as the Peoples' Temperance Association was inaugurated in several localities; and it became especially strong at Des Moines. These associations were composed largely of men who were or had been addicted to the drink habit, and consequently the movement might be termed one of personal reform rather than for the purpose of securing legal regulation.<sup>36</sup> Moreover, certain resolutions of the Des Moines association indicate that this group, at least, was not in favor of prohibition nor of the third party idea. They declared that government interference with personal liberty was contrary to the spirit of American institutions, and virtually took the position of favoring a license law.<sup>37</sup>

The Iowa State Temperance Association met at Des Moines, Thursday, January 18, 1872, and among the resolutions adopted were the following:

*Resolved*, That the friends of Temperance, everywhere, work together in harmony for objects pertaining to the Temperance cause.

2d. That members of this Association work earnestly for the legal prohibition of the sale of intoxicating drinks.

4th. That men or parties that will not stand pledged to this prohibition shall not receive our votes.

5th. That we ask of the present Legislature an amendment to the present statutes that will secure absolute prohibition.

6th. That greater restrictions be placed on this traffic by druggists.

7th. That the sale of wine and beer, and certain "patent medicines" be punished by law the same as intoxicating drinks.<sup>38</sup>

These declarations were not followed by the earnest work

<sup>36</sup> *Daily Iowa State Register* (Des Moines), Vol. X, No. 290, Friday, December 15, 1871.

<sup>37</sup> *Daily Iowa State Register* (Des Moines), Vol. X, No. 312, Friday, January 12, 1872.

<sup>38</sup> *Daily Iowa State Register* (Des Moines), Vol. X, No. 318, Friday, January 19, 1872.

to which the members of the convention had pledged themselves, and hence were not productive of any considerable results. An act of the General Assembly entitled "An Act to Amend Article Two of Chapter Sixty four, Revision of 1860", was approved April 6, 1872. This act required all applicants for a permit to sell intoxicating liquors to present "a certificate signed by a majority of the legal voters of the township, city, or ward in which he desires to sell said liquors, that he is a citizen of the county and State, that he is of good moral character," instead of a certificate signed by only twelve persons as had previously been required. Moreover, any person desiring a permit was required to furnish a bond of three thousand dollars with two or more sureties, that he would "carry out the provisions" of the laws. No person holding a permit was allowed to sell liquor "at a greater profit than thirty-three per cent on the cost of the same, including freights," and he was obliged to make monthly reports to the county auditor showing the amount, the cost and selling price, of all liquors sold by him, and the purposes for which they were to be used. Violations of these provisions were made punishable by a fine of one hundred dollars for the first offense, and a forfeiture of the permit upon the second conviction. The sale of intoxicating liquors to minors without permission and to drunken men was forbidden under a penalty of one hundred dollars for each offense.<sup>39</sup>

#### THE PROVISIONS OF THE CODE OF 1873 AND THE LAW OF 1874

During 1872 and 1873 there is even less evidence of any general temperance agitation than during the two preceding years, and hence the events of these years may be passed by without mention here. Such interest as was shown in temperance was purely local and neither resulted in any

<sup>39</sup> *Laws of Iowa* (General and Public), 1872, pp. 26-28.

State-wide movement nor in any radical legislation. The *Code of 1873* contained a consolidated statement of all the liquor laws then in force.<sup>40</sup> In addition to this it contained one new provision which, while it did not affect the State at large, is of interest. The chapter which dealt with the State Agricultural College and Farm contained the provision that "No person shall open, maintain, or conduct any shop or other place for the sale of wine, beer, or spirit[u]ous liquors, or sell the same at any place within a distance of three miles from the agricultural college and farm; *provided*, that the same may be sold for sacramental, mechanical, medical, or culinary purposes". The penalty for violation of this provision was a heavy fine, or imprisonment in the county jail not to exceed thirty days, or both.<sup>41</sup>

The only liquor law enacted by the General Assembly in 1874 was one of seven lines, amending section 1548 of the *Code of 1873*. That section had provided that any person arrested for intoxication might be discharged by the magistrate and his fine remitted in case he should give "information, under oath, stating when, where, and of whom he had purchased or received the liquor which produced the intoxication, and the name and character of the liquor obtained." The amendment provided that no person should be thus discharged or have his fine remitted until he had given bond that he would appear "to give testimony in any action or complaint against the party for furnishing such liquor."<sup>42</sup>

#### THE OHIO WOMAN'S CRUSADE

During the early seventies there was manifest a widespread revival of interest in religious and moral questions,

<sup>40</sup> *Code of Iowa*, 1873, pp. 279-289.

<sup>41</sup> *Code of Iowa*, 1873, p. 303.

<sup>42</sup> *Laws of Iowa* (Public), 1874, p. 29.



and among these the temperance problem was one of the first to feel the impetus of awakened interest. In December, 1873, there was inaugurated in Ohio a movement which was to sweep with remarkable rapidity over the entire country and produce undreamed-of results. The "Ohio Woman's Crusade", as this movement was called, originated in the towns of Hillsboro and Washington C. H., and as the name indicates, was carried on entirely by women. Gathering in bands of various sizes the women proceeded to the saloons where, after engaging in prayer, they appealed to the proprietors to close their saloons, and in many instances were astonishingly successful. The following account of their labors at Washington C. H., Ohio, indicates clearly the earnestness and persistence with which the work was carried on:

The result of eight days of prayer and song was the closing of all saloons and the pledging of three druggists to sell only on physicians' prescriptions. The next week a liquor house in Cincinnati pledged \$5,000 to break down the movement. A new man took out a license, and a stock of liquors was forwarded to one of the deserted saloons. The Crusaders followed the liquors and remained in the saloon, engaged in prayer until 11 o'clock at night. They returned the next day and remained without fire or chairs a part of the time locked in, while the would-be dealer went away. The next day a temporary tabernacle was built in front of the saloon, and the women continued in prayer. Before night the man surrendered, and the saloon was closed.<sup>43</sup>

The movement thus inaugurated soon spread over Ohio and then to other States. Its influence began to be felt in Iowa early in 1874. In January seventy ladies of Manchester waited upon the town council and petitioned them to withhold all licenses for the sale of intoxicating liquors;

<sup>43</sup> *The Cyclopaedia of Temperance and Prohibition*, (Funk & Wagnalls, 1891), p. 145.

and at Corydon a similar effort was made.<sup>44</sup> At Atlantic the temperance party was successful at the city election largely because of the efforts of the women of the place who were present at the polls and used their influence to secure votes for the temperance ticket.<sup>45</sup> A little later a number of the ladies of Ottumwa made an effort to induce the city council to pass a prohibition ordinance.<sup>46</sup> These instances will serve as examples of what the women were doing all over the State in the interest of temperance reform.

As far as the actual closing of saloons is concerned it can not be said that the movement was as successful in Iowa as it had been in Ohio. But here it had, perhaps, even greater and more far-reaching results in that it brought about a general awakening of temperance sentiment and aroused to action the slumbering forces of prohibition. The most apparent result of the Woman's Crusade in this State was the organization, in November, 1874, of the Woman's Christian Temperance Union, an organization which has been a potent factor in the battle for prohibition. Thus, although the Woman's Crusade was of brief duration, it accomplished a purpose.

#### THE THIRD PARTY IN THE CAMPAIGN OF 1875

Another result of the renewed interest in the temperance question may be seen in its effect upon State politics in 1875. During this year the Democratic party, which since 1869 had been silent in regard to the liquor problem, placed the following planks in their platform:

<sup>44</sup> *Weekly Iowa State Register* (Des Moines), Vol. XVIII, No. 52, Friday, January 30, 1874.

<sup>45</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 5, Friday, March 6, 1874.

<sup>46</sup> *The Ottumwa Democrat*, Vol. VII, No. 17, Thursday, April 23, 1874.

We are in favor of the repeal of the present prohibitory law, and the enactment of a practical license law, strictly enforced, as the best guard against, and the safest solution of, the evils of intemperance.

That we are opposed to all legislation that restricts any citizen in his individual or social rights and privileges.<sup>47</sup>

The friends of prohibition, realizing that they could expect no assistance from the Democratic party, had called a State Temperance Convention to meet at Des Moines at the time of the meeting of the Republican State Convention, in the hope of inducing that party to take some action favoring prohibition. A preliminary session of this temperance convention was held on June 29, the day before the meeting of the Republican convention. The declared object of the convention was "to consolidate the temperance vote of the State of Iowa, and to wield that vote as far as possible in favor of such party or candidate as will sustain the prohibitory laws of the State." An effort was made to adopt a resolution demanding of the Republican party that it make some declaration in favor of prohibition, but this resolution was objected to on the ground that it was not the place of this convention to dictate to the Republican convention. However, many members of the temperance convention were delegates to the Republican convention and it was hoped that party would take some satisfactory action. Consequently the resolution was so modified as to declare that "the Republican party of Iowa, having been organized upon a great moral issue, and sustained in part by the moral sentiment of the State owes it to that moral sentiment as well as to the public weal, to maintain the foregoing principles in its platforms and in the selection of its candidates and in its legislators."

The attitude of the majority of the members of this pre-

<sup>47</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 98.

liminary session was distinctly opposed to the formation of a third party, and although there was much dissatisfaction as to the course pursued by the Republicans in previous years, it was generally believed that they would not ignore the temperance question in their platform to be adopted on the following day. And so, after passing the above mentioned resolution the convention adjourned to await the results of the Republican convention before taking any more definite action.<sup>48</sup>

The Republican State Convention convened at Des Moines on June 30, and as was expected the question of prohibition was one of the leading topics for discussion. Early in the proceedings a resolution declaring that the party was opposed to the repeal of the prohibitory law was introduced by General Weaver and was referred to the committee on resolutions. The resolution was reported back by the committee with a substitute resolution to the effect that "the State has the right, and it is its duty, to provide such legislation upon the subject of the liquor traffic as will best protect society from the evils of intemperance." This was followed by the introduction of a number of substitute resolutions and much debate. General Weaver warned the party not to disregard the temperance question or they would lose many supporters. Mr. Potter of Scott County, on the other hand, urged that to place a prohibition plank in the platform would be to alienate thousands of voters throughout the State. He closed his argument by presenting a resolution which declared that "as the questions involved in the suppression and regulation of the liquor traffic have never been a test of Republicanism, it is inexpedient now to make any distinction relating thereto, and we leave the subject to be passed upon by the proper tribunal, the people

<sup>48</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 23, Friday, July 2, 1875.



in the election of members of the Legislature.” A motion to lay the whole matter on the table was now made and carried, and the convention adjourned without placing in the platform any reference to prohibition or the temperance question.<sup>49</sup>

That same evening the temperance convention reconvened and held a session which lasted far into the night. To those who were opposed to a third party and who had looked to the Republicans to espouse their cause, the failure of the party to do so was a keen disappointment. Nevertheless, they were still opposed to the organization of an independent party and early in the meeting introduced a resolution to that effect. A sharp debate followed and when the resolution was put to a vote it was defeated. Another resolution was immediately introduced favoring the formation of a temperance party and this in turn was debated and finally adopted. At this point many of the members of the convention withdrew. A platform was then drawn up and adopted after much debate by the remaining members of the convention, and an executive committee was appointed to make nominations for State officers and provide for the further organization of the party.<sup>50</sup> This committee subsequently nominated Rev. John H. Lozier for Governor, but it does not appear that they made nominations for any other State officers.

The platform adopted by this convention consisted of a preamble and six resolutions. The reasons for the formation of the new party were stated in the following words:

WHEREAS, The legal prohibition of said traffic and use of liquors is the prime duty of those who frame and execute laws for the public welfare; and,

<sup>49</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 23, Friday, July 2, 1875.

<sup>50</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 23, Friday, July 2, 1875.

WHEREAS, The existing political parties, in their State platforms, have either ignored or repudiated the foregoing principles, the one declaring for license, the other refusing to pass a resolution opposed to the repeal of the existing prohibitory law of our State; therefore,

*Resolved*, That the temperance people of Iowa are, by this action of these political parties, forced to seek the promotion of their objects by such organizations and combinations as may prove most effective for the success of the temperance cause, without reference to previous political affiliation.<sup>51</sup>

In addition to this declaration the convention in its platform expressed approval of the policy of the administration "in the settlement of difficulties between ourselves and other nations, by arbitration," declared against "the desecration of the Christian Sabbath by public amusement," favored "maintaining our free public school system at the expense of the whole people," and called upon the temperance people of the State to organize and put forth their efforts to secure the election of legislators and officers who were favorable to prohibition.<sup>52</sup>

Thus a Prohibition party was launched upon the political sea in this State. But it played a very insignificant part in the campaign of 1875. In spite of the dissatisfaction because of the attitude of the Democrats and Republicans, only a few of the more radical Prohibitionists were willing to leave the parties of which they had so long been members. Moreover, the majority of the conservative Prohibitionists regarded the third party as worse than useless. Consequently John H. Lozier, the Prohibition candidate, received only seven hundred and thirty-seven votes, while the Republicans elected their candidate, Samuel J. Kirkwood, by an even greater majority than had been given to Cyrus C.

<sup>51</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 99.

<sup>52</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, pp. 99, 100.

Carpenter in the previous campaign.<sup>53</sup> An effort was made during the campaign to alienate votes from Kirkwood on the ground that he favored a license law,<sup>54</sup> but it is evident that this attempt was not very successful. A similar effort was made to discredit Shepherd Leffler, the Democratic candidate, by the charge that he advocated a high license law which would operate in favor of wealthy saloonkeepers, but it is doubtful whether many votes were influenced thereby. It is evident that the Prohibition party in its debut in Iowa political society did not make a very favorable impression nor attract to itself many ardent admirers.

An incident which occurred during the progress of this campaign shows the determination of the friends of prohibition in one locality at least. At Mitchellville a man named Smith purchased a business lot and began the erection of a building to be used as a saloon, contrary to the wishes of the citizens of the place. Repeated protests and warnings failed to induce him to desist. One night a party of citizens gathered and marched in two lines to the partially completed building. "The leader clapped his hands together; a move was made for the building, and in less than fifteen minutes the thing was leveled to ground and the lumber scattered over the commons. The foundation was picked up, carried back some distance and pitched into a pond. The company re-formed in two ranks and disappeared." Shortly afterward a mass meeting was held, at which the citizens declared that "We will not have any such business carried on in Mitchellville if it is in our power to prevent it—and it is."<sup>55</sup>

<sup>53</sup> *Iowa Official Register*, 1907-8, p. 526. Fairall's *Manual of Iowa Politics* gives this vote as 1,397, but this is clearly an error.

<sup>54</sup> Quotation from the *Western Weekly* (Davenport) in the *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 24, Friday, July 9, 1875.

<sup>55</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 27, Friday, July 30, 1875.

## HISTORY OF LIQUOR LEGISLATION IN IOWA 365

### ORGANIZATION OF THE STATE TEMPERANCE ALLIANCE

A reference to the *Journals* of the Senate and House of Representatives for 1876 will reveal the fact that at that session of the General Assembly an earnest effort was made, both by the license men and the friends of prohibition, to secure legislation in accord with their views. Many petitions were received and one especially, protesting against the repeal of the prohibitory law, contained a large number of signatures from all parts of the State.<sup>56</sup> Many bills were introduced in both houses, but none of them was enacted into a law. Consequently, although it was recognized that the existing law was ineffective, no additional provision was made, and, to use the words of one editor, the State was forced to continue with "a prohibitory enactment in the Code, and liquor in most places flowing as freely if not so cheaply as water."<sup>57</sup>

The events of the early months of 1876 are comparatively unimportant. On January 19, the State Temperance Association held its annual session at Des Moines, declared in favor of prohibition, and elected officers.<sup>58</sup> In April the ladies of Cedar Rapids organized what was called a "Reform Club", rented and furnished a room and supplied it with reading matter, music, and other means of entertainment. The purpose was to provide a place which would possess all the attractive features of the saloon with the exception of liquor and thus draw from the saloon many who went there primarily as a place for social gathering.<sup>59</sup> This, as will be seen, was an idea which was later adopted and carried out in many parts of the State. On April 26

<sup>56</sup> Public Archives, Office of the Secretary of State, Des Moines.

<sup>57</sup> *Lyons Weekly Mirror*, Vol. XXII, No. 38, January 8, 1876.

<sup>58</sup> *Weekly Iowa State Register* (Des Moines), Vol. XIX, No. 371, Friday, January 28, 1876.

<sup>59</sup> *Lyons Weekly Mirror*, Vol. XXII, No. 52, April 15, 1876.



the Iowa State Brewers' Association met at Burlington and among other things declared that "We will support only those candidates without regard to party, who are not in accordance with the narrow-minded element of prohibitors."<sup>60</sup>

In September, 1876, there occurred an event which in itself, but more especially in its results, was significant. Early in that month a number of the leading temperance workers met at Clear Lake for the purpose of consulting "upon the best means of carrying on the temperance work in Iowa." All the various temperance organizations and many churches were represented at this meeting; and the result of the deliberations was the formation of the Iowa State Temperance Alliance, an organization which embraced all the various temperance agencies and which was in its subsequent history more effective, perhaps, than any other similar organization in the history of this State.<sup>61</sup> Articles of incorporation and by-laws were drawn up and adopted, and the former were signed September 4, 1876, by the following incorporators: James P. Pinkham, Albert Boomer, John Hogarth Lozier, Mrs. M. F. Gray Pitman, Isaac Brandt, Josiah F. Kennedy, James Wright, J. Ellen Foster, M. M. Myers, R. W. Keeler, and Wm. H. Fleming.

The articles of incorporation stated that the purpose of the Alliance was "to promote the cause of Temperance in the State of Iowa." It was proposed "to secure a permanent fund, not to exceed one hundred thousand dollars, for the benefit of this corporation." The fourth article declared that "This corporation shall not be made the ally of any sect, nor of any party not in full accord with its principles, nor shall the funds be used except for the purposes

<sup>60</sup> *Lyons Weekly Mirror*, Vol. XXII, No. 54, April 29, 1876.

<sup>61</sup> *Articles of Incorporation, and By-Laws, of the State Temperance Alliance of Iowa. Also, Plan of Endowment*, 1879, p. 37. See also Alden's *Prohibition Hand-book for Iowa*, p. 7.

set forth herein." The private property of members was not to be held liable for the debts of the corporation. Des Moines was made the place of business. Anyone might become a member by signing the articles of incorporation and paying a fee of one dollar; membership could be retained by the payment of an annual fee of one dollar, and any person paying into the treasury ten dollars or more was entitled to life membership. No other taxes than the annual fees were imposed upon the members. The officers were to consist of a President, Secretary, Treasurer, two General Agents, and a Vice President and a Director from each Congressional District, and were to be chosen annually, with the exception that the directors were to serve three years. The annual meeting of the corporation was to be held "on the first Tuesday after the third Monday of January of each year."

The plan of endowment which was adopted at this same time provided that the fund of the corporation should be raised "by gifts, grants, devises, bequests, membership fees, and collection of money, personal property and real estate," and that it should be loaned "upon real estate securities of the first class, the principal to remain inviolate, the annual accruing interest only to be used as hereinafter provided."<sup>62</sup>

It is very evident that the Iowa State Temperance Alliance, being, as the title suggests, an alliance of all the various temperance organizations was a distinct advance over anything of the kind that had previously been attempted in this State. It brought together all the scattered forces under a definite plan of action, without depriving any organization of its identity, and provided, moreover, for permanent headquarters from which the work could be di-

<sup>62</sup> *Proceedings of the Ninth Annual Meeting* (Iowa State Temperance Alliance), 1885, pp. 3-9.

rected at all times. Furthermore, it recognized the fact that the work could not be carried on successfully without money, and so provision was made for a fund which would be adequate to the needs. Indeed, the formation of this Alliance may be regarded as one of the important events in the history of prohibition in this State.

During 1876 the National Prohibition Party was organized and at the November elections of that year, Green C. Smith, the Prohibition candidate for President of the United States, received ninety-nine votes in Iowa.<sup>63</sup>

#### THE CAMPAIGN OF 1877

Early in 1877 it became evident that an effort would be made to force the temperance question into the political arena in a more decided manner than in 1875 when the Prohibition party had for the first time stepped into the field. A convention of the Woman's Christian Temperance Union was held at Sabula, May 13 to 16, 1877. At this time a petition "was drawn up, to be circulated for signatures and presented to the political parties when they assemble in convention, asking them to nominate for officers men whose views upon temperance accord with those of the Union."<sup>64</sup> While the writer has found no evidence that this petition was actually presented at either of the State conventions, it is nevertheless an indication of the determination of the temperance workers to force the political parties to take some notice of their cause.

Pursuant to a call by the State Temperance Alliance a State Temperance Convention met at Des Moines, May 29, 1877. In the discussions there was expressed considerable opposition to continuing the independent party idea, but at the same time there was much objection to John H. Gear,

<sup>63</sup> *Iowa Official Register*, 1907-8, p. 530.

<sup>64</sup> *Lyons Weekly Mirror*, Vol. XXIV, No. 1, May 19, 1877.

who it was generally conceded would be the Republican nominee for Governor. The platform contained a rehearsal of the evils of intemperance and a strong declaration in favor of absolute prohibition. It favored woman suffrage and complained that the laws of the United States protecting liquors imported from foreign countries crippled "the power of the State governments in enacting and enforcing such legislation as is and may be demanded by the people." In addition to the platform a resolution was adopted which provided for the appointment of a central committee which was to call a Prohibition nominating convention in case the two leading parties should not espouse their cause.<sup>65</sup>

The Republicans at their State Convention evidently decided that the time had come for them to recognize the temperance issue, for it was with but little opposition that a plank was adopted declaring the party to be "in favor of the rigid enforcement of our present prohibitory liquor law and any amendment thereto that will render its provisions more effective in the suppression of intemperance."<sup>66</sup> The growing strength of the Greenbackers doubtless had as great effect in inducing the party to take this stand as the threatening attitude of the Prohibitionists. It was feared that the party might need all its vote at the coming election.

The Greenbackers held their State Convention at Des Moines on July 12, and in their platform demanded "that all legal means be exhausted to eradicate the traffic in alcoholic beverages, and the abatement of the evil of intemperance."<sup>67</sup> The Democrats, on August 29, repeated their

<sup>65</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXI, Nos. 12 and 13, Friday, June 1 and 8, 1877.

<sup>66</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXI, No. 16, Friday, June 29, 1877. The Republican platform for 1877 as given in Fairall's *Manual of Iowa Politics* does not contain this plank, but it was commonly referred to as the eleventh plank by the newspapers of the day.

<sup>67</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 105.



time-honored declaration in favor of a license law and the repeal of the prohibitory law.<sup>68</sup>

None of these declarations by the three parties in the field seemed to satisfy the radical Prohibitionists, for the Central Committee called a nominating convention which met at Oskaloosa on August 30. The platform adopted at the May convention was affirmed and Dr. Elias Jessup of Mahaska County was nominated for Governor. The Republican candidates for all the other officers were approved—thus furnishing another indication of the opposition to Gear.<sup>69</sup>

During the campaign earnest efforts were made to discredit Gear and attract votes to the Prohibition candidate. On the other hand, it was charged that Jessup was a temperance man by trade and not by conviction and that this was the case with many of the Prohibition leaders. It was urged that the Republican party had done all that could be expected of it and that its candidates were bound to support the platform, whatever might be their personal beliefs on the temperance question. And so the battle of words was waged until the day of election. Gear was elected by a large plurality, although he did not receive a majority, and the Prohibitionists gave Jessup 10,565 votes, an alarming increase over the meagre showing in the previous gubernatorial campaign.<sup>70</sup>

#### THE BLUE RIBBON MOVEMENT

The year 1877 marks the beginning of a temperance reform movement which in the following year swept over the entire State and contributed largely to the popular agita-

<sup>68</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 106.

<sup>69</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXI, No. 25, Friday, September 7, 1877.

<sup>70</sup> *Iowa Official Register*, 1907-8, p. 526.

tion in favor of prohibition, although its promoters were opposed to prohibitory measures. The principle upon which the movement was based was a direct appeal to the judgment of men addicted to the use of intoxicating liquors and its aim was to induce a voluntary abandonment of the habit. The work was introduced by a number of lecturers who went from place to place until they had covered nearly all sections of the State. Those who took the total abstinence pledge were given a blue ribbon which they wore as a sign of the stand they had taken, and from this custom the movement received its name. The work of the lecturers was followed in almost every case by the organization of a "Reform Club" very similar in nature to the one already mentioned as having been formed by the ladies of Cedar Rapids.

These temperance lecturers were received with great enthusiasm at nearly every place they visited. At Des Moines Mr. John W. Drew met with great success. "This city is having a remarkable revival in temperance interest", stated one newspaper. "Thousands are signing the pledge, and donning the colors of abstinence and self-control."<sup>71</sup> At Clinton the opera house was filled to its utmost capacity for several evenings by people eager to hear the lectures. Nearly four thousand people signed the pledge and a fund of \$1300 was raised, "to be used in fitting up a reading and entertainment room on strictly temperance principles." When the lecturers, Messrs. Drew and Getchel, left the city they were escorted to the station by a long procession led by a brass band, and the train departed amid rousing cheers.<sup>72</sup> And not only in the cities was the movement suc-

<sup>71</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXI, No. 49, Friday, December 28, 1877.

<sup>72</sup> *Lyons Weekly Mirror*, Vol. XXIV, Nos. 37 and 38, January 26, and February 2, 1878.

cessful, but the smaller places also were carried by storm. At Delmar the lectures of Messrs. Rowell and Hoofstittler resulted in the signing of the pledge by a large number of people, among whom was a saloon-keeper who proceeded to his saloon, took down the sign, and emptied the beer into the street."<sup>73</sup> At Manchester all the saloons except one were closed as a result of the blue ribbon movement.<sup>74</sup> The instances here enumerated are only illustrations of what was accomplished all over the State by this remarkable wave of reform.

A "Blue Ribbon Jubilee" was held at Marshalltown on June 27, 1878. It was attended by fifteen thousand people, according to one account, and was under the charge of John W. Drew, the lecturer. The city was decked in gala attire and at night was brilliantly illuminated. "The jubilee ended with a grand torch-light procession through the streets, and a magnificent display of fireworks. Two thousand persons signed the pledge during the day."<sup>75</sup> A similar jubilee was held at Des Moines on September 28, 1878. A long procession, carrying banners, marched through the streets, headed by a band and a series of floats depicting the progressive decline of the drunkard. A mass meeting was held at one of the opera houses and much enthusiasm prevailed.<sup>76</sup>

A scheme to disrupt the Blue Ribbon movement was exposed late in the fall of 1878. It was charged that the scheme originated with a certain Des Moines clergyman and that it was eagerly adopted by a group of professional temperance men who saw in the Blue Ribbon movement no op-

<sup>73</sup> *Lyons Weekly Mirror*, Vol. XXIV, No. 39, February 9, 1878.

<sup>74</sup> *Dubuque Weekly Times*, Wednesday, April 17, 1878.

<sup>75</sup> Marshalltown correspondence to the *Dubuque Weekly Times*, Wednesday, July 3, 1878.

<sup>76</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXII, No. 37, Friday, October 4, 1878.

portunity to further their own ends. The plan selected was the formation of what were called "Black Ribbon Clubs", which were strictly secret organizations. Their ostensible object was to secure prohibitory laws, but the real purpose seems to have been to keep alive the Prohibition party and thus satisfy the political ambition of its leaders. It was hoped that many of the Blue Ribbonites would be drawn into this organization and thus they would be able to sap the strength of a movement which had never received the approval of the radical Prohibitionists, because it was in no sense a political movement.<sup>77</sup>

This counter movement does not seem to have had any decided immediate effect at any rate, for an enthusiastic Blue Ribbon convention was held at Waterloo on January 15, 1879. There were nearly two hundred delegates present and the reports given at that time indicate that there were thirty-eight Reform Clubs in the State. The resolutions expressed opposition to making temperance a partisan question, but favored every effort to elect temperance men in the existing parties. Further amendments to the prohibitory law were recommended and also the rigid enforcement of the law as it then existed.<sup>78</sup>

The influence of the Blue Ribbon doctrine was felt for many years, although as a State-wide movement it soon lost its identity in the agitation for a prohibitory constitutional amendment.

#### THE TWO-MILE LIMIT LAW OF 1878

Although an earnest effort was made to secure the enactment of a law imposing absolute prohibition, the only liquor law passed by the General Assembly which convened

<sup>77</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXII, No. 45, Friday, November 29, 1878. Also *Dubuque Weekly Times*, Wednesday, December 4, 1878.

<sup>78</sup> *Dubuque Weekly Times*, Wednesday, January 22, 1879.



in January, 1878, was one which was approved March 25. It was "made unlawful for any person by himself, his agent or employe, directly or indirectly to sell to any person ale, wine, beer or other malt or vinous liquor within two miles of the corporate limits of any municipal corporation", with certain exceptions; and furthermore it prohibited the sale of such liquors "upon the day on which any election is held under the laws of this state, within two miles of the place where said election is held." The power of municipal corporations to "regulate, prohibit or license the sale of ale, wine and beer" was declared to extend two miles beyond the corporate limits.<sup>79</sup>

This law was generally obeyed without resistance and was recognized as beneficial by both Prohibitionists and license men. At some places, however, there was strong objection to it. At Dubuque, for instance, on election day there were posted in front of many of the saloons placards bearing the words, "Closed by Updegraff's Two-Mile Law", in the hope of creating sentiment against the law.<sup>80</sup>

This act closes the period in the history of liquor legislation in Iowa which this paper has attempted to discuss. The year 1878 marks the beginning of the movement for a prohibitory constitutional amendment which will be considered in a subsequent paper.

DAN ELBERT CLARK.

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

<sup>79</sup> *Laws of Iowa*, 1878, pp. 103-105.

<sup>80</sup> *Dubuque Weekly Times*, Wednesday, October 9, 1878.

## HISTORY OF THE ESTABLISHMENT OF COUNTIES IN IOWA

In a comprehensive study of the counties of Iowa there are several phases of the subject which would demand attention. First in logical order would come the history of the formation, or establishment, of the counties themselves—a subject that should be treated by the historical method. This general survey having been taken, an individual study of each county ought to be found very profitable. In this study there could be noted not only the establishment of each county but also all changes or proposed changes in its boundaries with the reasons therefor. A complete record of all the jurisdictions of which the territory of the county had ever formed a part would add to the value of the study.

Either preceding or following this individual treatment of the counties, a critical study of their establishment could be undertaken—an examination of the laws creating them, an analysis of the various methods of defining boundary lines, a discussion of errors, a summary of results. A history of the names and of the naming of the counties of Iowa is a fascinating subject, deserving of careful treatment.

The above studies would clear the way for a consideration of the important matter of the organization of the counties, a subject the treatment of which would naturally include the beginnings of county government in Iowa. In this connection a careful record of the attachment of unorganized to organized counties could be made. The whole

series would have a fitting climax in a study of the evolution of county government in Iowa.

So much for what a comprehensive study would contain. The present paper attempts only the first of the tasks mentioned, that is, to give a history of the establishment of counties in Iowa. County boundaries call for more attention than any other one matter. The counties are treated chiefly in their general relations, rather than individually or separately. No attention has been given to the discussion of county names, or to the organization or government of the counties. The formation of Iowa counties followed closely after the various cessions of Indian lands to the United States government, hence these cessions have received frequent mention in the paper; but nothing like an exhaustive treatment of them has been attempted.

The paper is accompanied by a series of maps compiled by the writer from the statutes by which the counties were established. These maps illustrate all the changes which have been made in county boundaries and much effort has been spent to make them accurate. (See below, pp. 441-457.)

Tabular statements have been added from which the reader can see at a glance the essential facts relative to (I) the present counties of Iowa, (II) the counties which have been blotted out, (III) temporary counties, (IV) proposed counties, and (V) counties which have had their names changed. (See below, pp. 435-439.)

A list of Indian land cessions affecting Iowa has also been added for reference purposes. (See below, p. 439.)

The subject lends itself readily to a three-fold division, hence the paper has been divided into three periods:—I The Period of the Territories of the Northwest, Indiana, Michigan, and Wisconsin, 1787 to 1838. II The Period of the Territory of Iowa, 1838 to 1846. III The Period of the State of Iowa, 1846 to 1908.

## I

THE FORMATION OF COUNTIES IN THE TERRITORIES OF THE  
NORTHWEST, INDIANA, MICHIGAN, AND WISCONSIN

The first counties in the present State of Iowa were established before there was any State or even Territory of that name. One is compelled, therefore, in writing the history of the establishment of counties in Iowa, to go back for his start at least to the Northwest Ordinance of 1787. While this has been done in the following paper, the discussion of the formation of counties in Territories other than Iowa has been made as brief as possible, only those facts which seemed absolutely essential to a proper understanding of the subject being touched upon.

## THE FORMATION OF COUNTIES IN THE NORTHWEST TERRITORY

In the "Ordinance for the Government of the Territory of the United States northwest of the river Ohio", the Governor of the Territory was given power to lay out from time to time, as circumstances might require, those parts of the districts to which the Indian titles had been extinguished, into counties and townships, subject, however, to such alterations as might thereafter be made by the legislature.<sup>1</sup> The first county established under this grant of power was created by a proclamation of the Governor on July 26, 1788.<sup>2</sup> This county, the oldest northwest of the Ohio River, was appropriately named "Washington". It was in eastern Ohio and comprised about one-half of the present State. Several other counties<sup>3</sup> were established in the Northwest Territory in this same way before the practice was superceded by the erection of Territories therein.

<sup>1</sup> *Journals of the Continental Congress*, Folwell's Edition, Vol. XII, p. 58.

<sup>2</sup> See proclamation in Albach's *Western Annals*, pp. 476, 477.

<sup>3</sup> Howard's *Local Constitutional History of the United States*, p. 413, note 4.



The first Territory to be set off by itself was that of Indiana, which was created by an act of Congress approved May 7, 1800.<sup>4</sup> The remainder of the district retained the name of "Northwest Territory".<sup>5</sup> The act creating the Territory of Indiana provided for the establishment therein of a government "in all respects similar" to that provided for in the Northwest Ordinance. It provided, further, that the officers of the new Territory should "exercise the same powers" and perform the same duties provided for similar officers in the Northwest Territory. It follows, then, that counties could be established in the Territory of Indiana by proclamation of the Governor provided the legislature did not see fit to exercise its authority.

#### THE FORMATION OF COUNTIES IN THE TERRITORY OF MICHIGAN

On January 11, 1805, an act of Congress creating the Territory of Michigan was approved by the President.<sup>6</sup> This act contained, relative to the formation of counties in the new jurisdiction, the same provisions found in the act creating the Territory of Indiana. General Lewis Cass, as Governor of the Territory of Michigan, made use of the power vested in his office by creating through executive proclamation several new counties between the years 1815 and 1822. In most of his proclamations he based his authority upon the provisions of the Northwest Ordinance<sup>7</sup> which, it will be remembered, gave the Governor of the Territory power to create counties subject to "such alterations as may thereafter be made by the legislature."<sup>8</sup> By a proclamation issued on September 10, 1822, Governor Cass altered the boundaries of five old counties and created

<sup>4</sup> *U. S. Statutes at Large*, Vol. II, p. 58.

<sup>5</sup> Thwaites's *How George Rogers Clark Won the Northwest*, p. 83.

<sup>6</sup> *U. S. Statutes at Large*, Vol. II, p. 309.

<sup>7</sup> *Laws of the Territory of Michigan*, Vol. I, pp. 323-330.

<sup>8</sup> See above, p. 377.

six new ones.<sup>9</sup> With this proclamation the participation of the Governor in the erection of counties ceases. The next counties established in the Territory were created in 1826 and 1829 by acts of the Legislative Council.<sup>10</sup>

THE IOWA COUNTRY FROM 1821 TO 1834

Upon the admission of Missouri to the Union as a State in 1821 the country included within the present bounds of Iowa was left without any established local government.<sup>11</sup> Following the Black Hawk War a treaty<sup>12</sup> was made on September 21, 1832, with the Sac and Fox Indians by the terms of which there was ceded to the United States government a strip of territory in eastern Iowa which extended some fifty miles westward from the Mississippi River. This district was vacated by the Indians and officially thrown open to settlement on June 1, 1833.<sup>13</sup> Immediately a large number of prospective settlers entered the new purchase; indeed, many had not waited for the date of the official opening. This new population found itself "beyond the pale of constitutional government."<sup>14</sup> Some violence occurred.<sup>15</sup> Out of the violence grew a petition to Congress asking for the protection of the Federal laws.<sup>16</sup> The result was an act of Congress approved on June 28, 1834, by which the area of the present State of Iowa was "for the purpose of temporary government, attached to, and made a part of, the Territory of Michigan."<sup>17</sup>

<sup>9</sup> *Laws of the Territory of Michigan*, Vol. I, p. 330.

<sup>10</sup> *Laws of the Territory of Michigan*, Vol. II, pp. 295, 714, 744.

<sup>11</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 45.

<sup>12</sup> *U. S. Statutes at Large*, Vol. VII, p. 374.

<sup>13</sup> See article one of the treaty; also Salter's *Iowa: The First Free State in the Louisiana Purchase*, pp. 171, 172.

<sup>14</sup> Shambaugh's *History of the Constitutions of Iowa*, p. 39.

<sup>15</sup> Salter's *Iowa: The First Free State in the Louisiana Purchase*, p. 173.

<sup>16</sup> Salter's *Iowa: The First Free State in the Louisiana Purchase*, p. 172.

<sup>17</sup> *U. S. Statutes at Large*, Vol. IV, p. 701.

The inhabitants of Michigan were working for the admission of that Territory to the Union as a State. The Legislative Council had asked Congress for the privilege of holding an extra session.<sup>18</sup> On June 30, 1834, an act of Congress authorized this step.<sup>19</sup> Consequently on September 1, 1834, the Sixth Legislative Council met in extra session at Detroit where it had been convened by proclamation of the Governor, dated July 14, 1834.<sup>20</sup> The Governor sent his message to the Council on the second day of the session.<sup>21</sup> Perhaps the most important object of this extra session was to take certain steps looking toward admission to the Union. Among other matters, however, the Governor called the attention of the Council to the needs of the people west of the Mississippi in the territory recently attached to Michigan. The reference was clearly to the inhabitants of the Black Hawk Purchase, since no other territory west of the Mississippi had, as yet, been thrown open to settlement. In this district the Governor recommended the establishment of counties, townships, and courts.

FORMATION OF COUNTIES IN IOWA DURING THE PERIOD OF  
MICHIGAN TERRITORY, 1834-1836

The response of the Legislative Council of the Territory of Michigan to the recommendation of the Governor was prompt. It found expression in a measure entitled "An Act to lay off and organize Counties west of the Mississippi River." This act, which constitutes the first step<sup>22</sup> in the

<sup>18</sup> *Journal of the Sixth Legislative Council of Michigan Territory, Extra Session, 1834*, p. 1.

<sup>19</sup> *U. S. Statutes at Large*, Vol. IV, p. 724.

<sup>20</sup> *Journal of the Sixth Legislative Council of Michigan Territory, Extra Session, 1834*, p. 2.

<sup>21</sup> See message in the *Journal of the Sixth Legislative Council of Michigan Territory, Extra Session, 1834*, pp. 3-5.

<sup>22</sup> By an act approved on September 6, 1834, the Legislative Council of the

formation of counties in the Iowa country, was approved on September 6, 1834, to take effect on the first day of October of the same year.<sup>23</sup> It applied only to that part of the present State of Iowa "to which the Indian title had been extinguished". This refers to the "Iowa District", or the "Black Hawk Purchase", or "Scott's Purchase", as the Sac and Fox Cession of September 21, 1832, was variously called.

The Sac and Fox Cession (See Map I) did not extend to the northern boundary of the present State. It was cut almost in two by Keokuk's Reservation<sup>24</sup> on the Iowa River. This district was divided by the act under consideration into two counties, (See Map I) separated by a line to be drawn due west from the lower end of Rock Island (an island in the Mississippi River) to the Missouri River. That part of the purchase lying north of this line became Dubuque County.

The boundaries of Dubuque County were described in section one of the act. The new jurisdiction was distinctly limited to that territory to which the Indian title had been extinguished. This, of course, could mean only the Black Hawk Purchase of 1832.

The second county established was Des Moines,<sup>25</sup> the limits of which were defined in section two of the act. In the definition of the boundaries of Des Moines County an error was made in that the county was not limited, in so many

Territory of Michigan established a county called "Iowa". It was located in the western part of the present State of Wisconsin, where, after having been reduced in size by the Legislature of the Territory of Wisconsin, it still exists. "Iowa County" had nothing whatever to do with the State of Iowa. These facts are mentioned here to save the reader from a possible misunderstanding.—See *Laws of the Territory of Michigan*, Vol. III, p. 1325. *Laws of the Territory of Wisconsin*, 1836-1838, p. 97.

<sup>23</sup> *Laws of the Territory of Michigan*, Vol. III, p. 1326.

<sup>24</sup> See article two of the treaty of September 21, 1834.

<sup>25</sup> This is the spelling found in the act.



words, to territory to which the Indian title had been extinguished. The intention of the framers of the act was to erect the southern part of the Black Hawk Purchase into Demoine County, but by the omission of a phrase the county was apparently extended westward to the Missouri River. That this is the correct interpretation of the intentions of the framers of the above act is proved by a reference to the act of December 7, 1836, which was entitled "An Act dividing the county of Des Moines into several new counties." The territory erected into new counties was only the southern part of the Black Hawk Purchase; it did not extend westward to the Missouri River. In such cases the evident intention of the framers of an act should doubtless receive more weight than the wording of the act itself. With this in mind, Demoine County has been drawn on Map I not as it is described in the act, but as it was evidently meant to be described.

FORMATION OF COUNTIES IN IOWA DURING THE PERIOD OF THE  
ORIGINAL TERRITORY OF WISCONSIN, 1836-1838

The admission of part of the Territory of Michigan to the Union as a State having been provided for, the remainder was, by an act of Congress approved on April 20, 1836, erected into the Territory of Wisconsin.<sup>26</sup> The area of the present State of Iowa with its two counties was included in the new jurisdiction. The area of Minnesota and of the eastern part of the two Dakotas was also included. In fact much the larger part of the new Territory was west of the Mississippi River and had, therefore, never been a part of the old Northwest Territory.

The Organic Act of the original Wisconsin Territory did not establish therein a government "in all respects similar" to that provided for in the Northwest Ordinance, as

<sup>26</sup> *U. S. Statutes at Large*, Vol. V, p. 10.

had been done in the acts creating the Territories of Indiana and Michigan; but it outlined in a much more detailed way the government of the Territory. In spite of this fact the act made no definite provision for the creation of counties. In article six, however, it is provided that "the legislative power of the Territory shall extend to all rightful subjects of legislation". The erection of new counties was a subject which was interpreted to belong to this category. The legislative method was now the common one in use in all the States and Territories of the Northwest; and as a matter of fact Wisconsin counties were established by the legislature and not by executive proclamation as in Michigan Territory prior to 1822.

#### ACT OF DECEMBER 7, 1836

The first session of the legislature of the Territory of Wisconsin met at Belmont on October 25, 1836.<sup>27</sup> In the following December there was taken the second important step in the formation of Iowa counties. It consisted of the passage of a law entitled "An Act dividing the county of Des Moines<sup>28</sup> into several new counties." This act was approved December 7, 1836, and went into force immediately.<sup>29</sup> By its terms the territory comprised in the former County of Demoine, together with that of Keokuk's Reservation<sup>30</sup> (See Map II), was divided into seven new counties, one of which retained the name of Des Moines. The six other counties created by this act were: Lee, Van Buren, Henry, Louisa, Musquitine, and Cook.

<sup>27</sup> Gue's *History of Iowa*, Vol. I, p. 174.

<sup>28</sup> The spelling is modernized in this act.

<sup>29</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 76.

<sup>30</sup> Keokuk's Reservation had been ceded to the United States on September 28, 1836.—See *U. S. Statutes at Large*, Vol. VII, p. 517. Most of this cession fell to Demoine County, only a small triangular piece of territory in the extreme northern part of the reservation falling to Dubuque County. An attempt has been made to show this on Map II.

The boundaries of these counties were defined in a somewhat vague and confusing way. The reason for this is found in the fact that the United States government survey of these lands had not yet been completed. The act itself was but temporary, the last section declaring that it should be in effect "until the end of the next annual session of the legislative assembly, and no longer."<sup>31</sup> The next annual session of the Legislative Assembly was the second. It adjourned on January 20, 1838.<sup>32</sup> Before its adjournment there was passed a new act to take the place of the one under discussion. This new law will be explained in its proper place.<sup>33</sup>

To return to the act of December 7, 1836, it will be seen that the boundaries of Lee County were defined as follows: "Beginning at the most southern outlet of Skunk river, on the Mississippi; thence a northern direction passing through the grove on the head of the northern branch of Lost Creek, and thence to a point corresponding with the range line dividing range seven and eight, and thence south with the said line to the Des Moines river; thence down the middle of the same to the Mississippi, and thence up the Mississippi to the place of beginning".<sup>34</sup> The boundaries of the other counties created by this act are defined in similar phrases.<sup>35</sup> An attempt has been made in Map II to show the boundary lines of these counties. Since these

<sup>31</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 78.

<sup>32</sup> Strong's *History of the Territory of Wisconsin*, p. 255.

<sup>33</sup> See below, p. 389.

<sup>34</sup> See section 1 of the act.

<sup>35</sup> Sections from two to seven, inclusive, of the act, containing the definition of the boundary lines of the other six counties, are as follows:

"Section 2. *Be it further enacted*, That the country included within the following boundaries, to-wit: beginning at the northwest corner of Lee; thence south with the west line of said county to the river Des Moines; thence up the same to where the Missouri line strikes the same; thence west with the said Missouri line to the Indian boundary line; thence north with the said bound-

lines were never surveyed and since the map is necessarily small, absolute accuracy is not claimed for it; yet it is as true to the definition of boundary lines given in the law as

any line twenty-four miles; thence east to the beginning; be and the same is hereby set off into a separate county, by the name of Van Buren.

Section 3. *Be it further enacted*, That the country included within the following limits, to wit: beginning on the Mississippi river, at the north-east corner of Lee; thence up said river to a point fifteen miles above the town of Burlington, on the bank of said river; thence on a westerly direction to a point on the dividing ridge between the Iowa river and Flint creek, being twenty miles on a due west line from the Mississippi river; thence a southerly direction, so as to intersect the northern boundary line of the county of Lee, at a point twenty miles on a straight line from the Mississippi river; thence east with the northerly line of the said county of Lee to the beginning, be and the same is hereby set off into a separate county, by the name Des Moines.

Section 4. *Be it further enacted*, That the country included within the following limits, to wit: beginning at the south-west corner of Des Moines; thence north-west with the line of the said county of Van Buren to the Indian boundary line; thence north with the said boundary line twenty-four miles; thence south-east to the north-west corner of the county of Des Moines; thence south with the west line of the county of Des Moines to the beginning, be and the same is hereby set off into a separate county, by the name of Henry.

Section 5. *Be it further enacted*, That the country included within the following limits; beginning at the Mississippi river, at the north-east corner of Des Moines; thence up said river twelve miles above the mouth of the Iowa; thence west to the Indian boundary line; thence with said boundary line, to the north-west corner of Henry and with the line of the same, to the north-west corner of the county of Des Moines; thence east with the line of the same county of Des Moines to the beginning, be and the same is hereby set off into a separate county, by the name of Louisa.

Section 6. *Be it further enacted*, That the country included within the following boundaries, to-wit: beginning on the Mississippi river, at the north-east corner of the county of Louisa; thence up said river twenty-five miles on a straight line; thence west to the Indian boundary line; thence with said boundary line south to the north-west corner of the county of Louisa; thence east with the line of said county of Louisa to the beginning, be and the same is hereby set off into a separate county, by the name of Musquitine.

Section 7. *Be it further enacted*, That the country included within the following boundaries, to-wit: beginning on the Mississippi river, at the north-east corner of the county of Musquitine; thence up said river to the south-east corner of the county of Du Buque; thence with the line of the said county of Du Buque to the Indian boundary line; thence with said line south, to the north-west corner of the county of Musquitine; thence east with the said line of the said county of Musquitine to the beginning, be and the same is hereby set off into a separate county, by the name of Cook.”



the writer can make it. The map serves to illustrate the only Iowa counties, aside from the first two counties of Dubuque and Demoiné, the boundary lines of which have not been defined in terms of the United States survey.<sup>36</sup>

This act was the most crude in the whole series of laws creating Iowa counties. Cook County, fifty miles in length by only three or four in width was a monstrosity. Its fate will be discussed later.<sup>37</sup> Not one of the counties named in this act received permanent boundaries at this time.

ACT OF DECEMBER 21, 1837

By the terms of a treaty made on October 21, 1837, the

<sup>36</sup> A map showing these same counties may be seen in the manuscript department of the library of the State Historical Society of Wisconsin, at Madison, Wisconsin. It bears the following inscription: "A map of the Settled Part of Wisconsin Territory compiled from the latest authorities. Philadelphia, published by Hinman and Dutton, No. 6, north 5th St. 1838." This map differs from Map II accompanying this paper in two respects: (1) the northern boundary of Lee County is composed of two lines instead of one, one running northwest from the mouth of the Skunk River for about twelve miles, the other running westward from the northern end of the first to the western boundary of the county; (2) the northern boundary of Cook County instead of running east and west is extended from Rock Island northwestward to the angle in the western boundary of Dubuque County. This gives to Cook County a triangular shape.

The map accompanying this paper was drawn from the laws before the writer saw the one in the library of the State Historical Society of Wisconsin. After carefully going over the matter there seems no good reason for altering the map here presented. The definition of the boundary of Lee County is given above (page 384). It will readily be seen that the northern boundary is ambiguous and difficult to draw, but a close examination will show that the line on the Wisconsin Map passes north of the head of Lost Creek and is therefore wrong.

In the case of the boundaries of Cook County there is no doubt that the Wisconsin map is in error. The northern boundary of this county is made by the law to coincide with the southern boundary of Dubuque County (See boundaries of Cook County quoted in note 35). The southern boundary of Dubuque County had been defined in the act of September 6, 1834 (See above p. 380) as a line running directly west from Rock Island in the Mississippi River. The northern boundary of Cook County could not, therefore, run northwestward. If the Wisconsin map is thus clearly in error in reference to the boundaries of Cook County, it may also be wrong in reference to those of Lee County.

<sup>37</sup> See below, p. 390.

Sac and Fox Indians made a new cession of Iowa lands to the United States government.<sup>38</sup> The territory ceded comprised a triangular strip of 1,500,000 acres lying immediately west of the Black Hawk Purchase. (See Map III.)

During the second annual session of the Legislative Assembly of the Territory of Wisconsin, convened at Burlington in the County of Des Moines, on November 6, 1837,<sup>39</sup> two very important acts were passed relative to the formation of counties in Iowa.

The first of these laws was approved on December 21, 1837.<sup>40</sup> In its main purport it was an act subdividing the former County of Dubuque into new counties; but in reality it was more than this; for, in creating the fourteen new counties named in its title, it made use not only of the area of the former County of Dubuque, but also of approximately the northern two-thirds of the Sac and Fox Cession of October 21, 1837. In addition to this, several of the new counties included vast reaches of Indian country not yet ceded to the United States government. (See Maps III and IV.)

The fourteen counties created by this act in the order in which they are named in the title were: Dubuque, Clayton, Jackson, Benton, Linn,<sup>41</sup> Jones, Clinton, Johnson, Scott, Delaware, Buchanan, Cedar, Fayette, and Keokuk. The location, shape, and relative size, of these counties are shown on Maps III and IV. While most of these counties are established outright, the wording of the section which relates to Dubuque County implies that it was looked upon as the former county of the same name reduced in size.<sup>42</sup>

<sup>38</sup> For treaty see *U. S. Statutes at Large*, Vol. VII, p. 540.

<sup>39</sup> Salter's *Iowa: The First Free State in the Louisiana Purchase*, p. 223.

<sup>40</sup> *Laws of the Territory of Wisconsin*, 1836-1838, p. 132.

<sup>41</sup> Spelled "Lynn" in the title, but "Linn" in the body of the act.

<sup>42</sup> See section 3 of the act.

The boundaries of eight counties as defined by this act were permanent, namely: Dubuque, Delaware, Jackson, Jones, Linn, Clinton, Cedar, and Scott. The other six counties were all reduced in size later. Of these Johnson was the only county all of whose territory had been ceded at this time to the United States. Clayton County was also in a class by itself. By a future law it will lose territory in the northeast, gain a little in the northwest and thus attain its permanent boundaries.<sup>43</sup>

The four counties on the western border, namely: Keokuk, Benton, Buchanan, and Fayette were peculiar in character and irregular in shape. While part of their territory had been ceded to the United States, most of it was as yet possessed by the Indians. Keokuk, Benton, and Buchanan counties were each extended by the wording of the act to the "western boundary of the territory", by which the writer has understood "Wisconsin Territory". The only other possible construction which can be placed upon these words is that the western boundary of the territories already ceded by the Indians was meant. If this were the correct interpretation to place upon the wording of the act, Keokuk and Benton counties would hardly have been established at this time owing to their small size. (See Map III.) According to the more plausible (and no doubt the correct) interpretation of the act these two counties were made to extend entirely across the future State of Iowa, while Buchanan did the same and also reached into South Dakota. (See Map IV.)

The most peculiar of these western counties was Fayette which extended so far to the north and west that it included all Wisconsin Territory west of the Mississippi River and north of the southern boundary of Clayton County, exclusive of the area of the latter county. (See

<sup>43</sup> See below, p. 410.

Map IV.) It covered most of the territory of the two Dakotas and Minnesota together with a fourth part of Iowa. Its area was upwards of 140,000 square miles.<sup>44</sup> Fayette County was not organized at this time, but was temporarily attached to Clayton County. Buchanan, Benton, and Keokuk counties were also only temporary jurisdictions.

The act of 1837 was much superior to that of 1836 in its definitions of boundaries. One or two errors, however, are to be found in it. A large strip of territory south of Cedar County (marked 1 on Map III) was not included within the limits of any county although it had been formerly a part of Dubuque. Since no reason for this appears, it must have been simply an oversight.

The boundaries of Johnson and Scott counties were allowed to overlap those of Cook and Musquitine established the year before. There is nothing in the act itself to indicate whether this was intentional or the result of an oversight. At any rate the later act supercedes the earlier in so far as the two conflict and the four bits of territory in question (strips marked 2, 3, 4, 5 on Map III) must be considered as legally transferred to Johnson and Scott counties. This change of jurisdiction was indirect in that the two latter counties were not mentioned in the act.

#### ACT OF JANUARY 18, 1838

The second act, relative to Iowa counties, passed at the second session of the First Legislative Assembly of the Territory of Wisconsin which convened at Burlington was approved on January 18, 1838.<sup>45</sup> It redefined the boundaries of the counties carved by the act of December 7, 1836, from the original County of Demoine. (See Map II.) This

<sup>44</sup> Gue's *History of Iowa*, Vol. III, p. 344.

<sup>45</sup> *Laws of the Territory of Wisconsin, 1836-1838*, p. 381.



was rendered necessary by the fact that when the earlier act was passed the government survey of public lands in this region had not yet been completed, and hence the boundary lines of the counties had to be defined to a large extent in terms of natural objects. For this reason the boundary lines were more or less vague and confusing. It will also be recalled that the act of December 7, 1836, was to be in force only until the close of the next regular session of the legislature.<sup>46</sup> The next session (i. e. the second) adjourned on January 20, 1838.<sup>47</sup> The act under consideration was approved on January 18, 1838. Two days more and the act of December 7, 1836, would have ceased to be in force and southeastern Iowa would have lost its county organization.

The public survey having been completed in the meantime, the new boundaries generally followed township lines. The act under consideration was entitled "An act to establish the boundaries of the counties of Lee, Van Buren, Des Moines, Henry, Louisa, Muscatine,<sup>48</sup> and Slaughter; to locate the seats of justice in said counties, and for other purposes."<sup>49</sup>

Six of these counties had been established by the act of December 7, 1836. Cook County, created by the earlier act, is now omitted; while in its place is found the name of a new county, Slaughter. This does not mean simply that the name of the former was changed, for Slaughter County was in no sense the successor of Cook. By the rearrangements in boundary lines made by the acts of December 21, 1837, and of January 18, 1838, Cook County was completely

<sup>46</sup> See above, p. 384.

<sup>47</sup> Strong's *History of the Territory of Wisconsin*, p. 255.

<sup>48</sup> The spelling is modernized in this act.

<sup>49</sup> For the location, size, and shape of the counties named in this act see Map V.

crowded out. The former act had already given part of its territory to Johnson County and part to Scott County. (See Map III.) The latter act now gives the remainder (rather more than half) to Muscatine. No part of Slaughter County was originally a part of Cook County; hence the former must be counted as an entirely new jurisdiction. (Compare Maps III and V.)

It is sometimes said that Cook County afterwards became Scott County.<sup>50</sup> This also is incorrect, since Scott County was created by the Act of December 21, 1837, almost entirely from the original County of Dubuque, while Cook County, created by the Act of December 7, 1836, entirely from territory within the limits of the original County of Demoiné, continued in existence by the terms of its organic act until January 20, 1838. In point of time the two counties existed side by side, while five-sixths of the territory of Cook County was given, when it ceased to exist, not to Scott County but to Muscatine and Johnson counties.

It may be said of the act under consideration that, while it named and bounded seven counties, in reality it redefined the boundaries of six counties, blotted out one, and created one new county. Of the seven counties named in the act only two received their permanent boundaries at this time. These were Muscatine and Van Buren. All of the five other counties had their boundaries slightly changed by later laws, which changes will be noted as they are made.

A glance at Map V shows that Van Buren and Slaughter counties were allowed to cut into the triangular cession of land made by the Sac and Fox Indians in the cession of October 21, 1837. It is noticeable, however, that the rest of this cession lying directly west of the original County of Demoiné was not erected into counties at this time. Pos-

<sup>50</sup> Gue's *History of Iowa*, Vol. I, p. 175, note.

sibly this is due to the narrowness of the strip. No counties similar in character to Buchanan, Benton, and Keokuk, extending to the Missouri River, were created by this act of January 18, 1838.

It is of more interest to note that two fragments of the original County of Demoiné, which were made parts of Henry and Van Buren counties respectively in 1836, are now left outside of the boundaries of the counties named in the act of 1838. (See strips marked 1 and 2 on Map V.) From having had county organization these two fragments now lose it. They were not even attached for judicial purposes to any of the counties to the eastward. This was undoubtedly an oversight, for it was soon remedied.<sup>51</sup> On the whole, the act of January 18, 1838, was comparatively free from errors.<sup>52</sup>

<sup>51</sup> By an act approved June 22, 1838. See *Laws of the Territory of Wisconsin*, 1836-1838, p. 539.

<sup>52</sup> There is in the library of The State Historical Society of Iowa, at Iowa City, a map corresponding to Map V accompanying this paper. This map bears the following inscription: "Iowa. Drawn by order of the H[ouse] [of] R[epresentatives], A. F. Russell, Dft." The name of the former owner of the map also appears upon it as follows: "Hon. Thos. Blair, H. R. Session 1837-8, Burlington."

This map contains several errors which deserve to be mentioned in this connection. (1) The boundary line between Clayton and Fayette counties is one township too far east. (2) Benton and Keokuk counties are omitted. (3) The western boundary of Johnson County is omitted. (4) Muscatine County is wrongly spelled Musquetine. The latter spelling is not even correct for the earlier law of December 7, 1836. (5) The western boundary of Van Buren County, instead of being run north and south as the law of January 18, 1838, demands (See Map V), follows the boundary of the act of December 7, 1836, although it is clear that the map was drawn after the passage and approval of the act of 1838. These errors seriously mar the value of the map containing them.

A similar map may be seen in the library of the Historical Department of Iowa at Des Moines. It is now framed, but once belonged to a publication the title page of which reads as follows: *Guide for the Territory of Iowa, with a correct map. Showing the township Surveys &c. &c.* New York: Published by J. H. Colton 1839.

The map contains two errors; (1) The boundary line between Johnson

In Map VI the counties created by the act of January 18, 1838, have been superimposed upon those established by the act of December 7, 1836. The earlier act was only temporary, since the region was not yet surveyed. The second act follows township lines in its definition of boundaries. The map shows clearly the location, shape, and relative size of the counties named. For example Louisa County shows a great reduction in size and shape. The older "Henry County" loses territory to the new counties of Slaughter, Des Moines, Lee, and Van Buren; while part of it is contained in none of the counties named in the second act.

## II

### THE PERIOD OF THE TERRITORY OF IOWA, 1838-1846

By an act of Congress approved on June 12, 1838,<sup>53</sup> the original Territory of Wisconsin was divided. The part west of the Mississippi River and west of a line drawn due north from the source of the Mississippi received the name of the Territory of Iowa. It included not only the area of the present State of Iowa, but also that of the western part of Minnesota and of the eastern part of the two Dakotas. Its area was about three times that of the present State of Iowa. The Organic Act of the Territory of Iowa was to be in force from and after July 3, 1838.<sup>54</sup> From this date the Territory continued in existence until December 28, 1846, when the State of Iowa was finally admitted into the Union. Map V shows the counties existing

and Slaughter counties is placed one township too far north, making Slaughter County four townships square or equal to Johnson in size. (2) The second error occurs in the boundary line between Des Moines and Lee counties where the line between townships 68 and 69 is made the boundary whereas the Skunk River actually formed the boundary for about six miles.

<sup>53</sup> *U. S. Statutes at Large*, Vol. V, p. 235.

<sup>54</sup> See section 1 of the act.



within the limits of the present State of Iowa when the Territory of Iowa was established.

The first session of the legislature of the Territory of Iowa passed several acts in January, 1839, relative to counties.<sup>55</sup> Some of these dealt with the organization of counties, others re-located seats of justice, provided for the sale of public lands, etc. Four acts created new counties or altered the boundaries of counties already created.

#### MINOR ACTS OF JANUARY, 1839

The first of these minor acts was approved on January 12, 1839.<sup>56</sup> It altered the boundary line between Louisa and Slaughter counties by giving the three eastern townships of Slaughter County to Louisa. (See Map VII.) The County of Slaughter as thus reduced in size remained in existence only thirteen days.<sup>57</sup>

The second of these minor acts of 1839 was approved on January 21.<sup>58</sup> Section one of this law defines the boundaries of a new county which is constituted and named Jefferson. (See Map VII.) In doing this, the three western townships of Henry County are included within the limits of the new County of Jefferson, which is made to extend westward to "the Indian boundary line", that is, to the western boundary of the Sac and Fox purchase of October 21, 1837. The act does not say in so many words that Henry County is to be diminished in size; it simply gives part of its territory to Jefferson County. The title of the act, however, indicates the division of Henry County.

<sup>55</sup> See *Laws of the Territory of Iowa, 1838-1839*, pp. 89-101.

<sup>56</sup> It was entitled, "An Act to establish the boundaries of Louisa county, and to locate the seat of Justice of the said county, and for other purposes."—See *Laws of the Territory of Iowa, 1838-1839*, p. 89.

<sup>57</sup> See below, p. 396.

<sup>58</sup> It was entitled, "An Act to divide the County of Henry, and establish the County of Jefferson."—See *Laws of the Territory of Iowa, 1838-1839*, p. 92.

Two days later there was approved an act entitled "An Act to establish the boundaries of Lee County."<sup>59</sup> This title seems inadequate in two respects: (1) it appears to imply the establishment of the boundaries of Lee County for the first time, while in reality the act only reestablished or redefined its boundaries; (2) the title refers only to Lee County while the act affects also Des Moines County. The only change made by the act in the boundaries of Lee County was to alter the line of division between it and Des Moines County establishing the new line at the Skunk River. As a result of this change Des Moines County lost considerable territory, which happened to lie south of the Skunk River, to Lee County; while the latter lost to the former only a very small bit of territory lying north of the river and south of the southeastern corner of Henry County. (See Map VII.)

Section 1 of the act which makes this boundary change closes with the words "and all that part of Lee County, lying north of the Skunk river, is hereby attached to and shall form a part of the county of Des Moines." At first thought these words seem to contain an error, or, at least, to convey only a part of the truth, since they seem to give special attention to the transfer of the small bit of territory from Lee to Des Moines and to ignore that of the larger area from Des Moines to Lee. But this seeming inaccuracy is explained when it is recalled that the title of the act is expressed in terms of Lee County only, and hence the transfer of the territory in question from Des Moines County to Lee County is sufficiently covered by the redefinition of the boundaries of Lee as contained in the act. Although the title of the act seems inadequate, as mentioned above, yet, since no error can be imputed to the law, the most

<sup>59</sup> *Laws of the Territory of Iowa, 1838-1839*, p. 94.

that can be said is that the boundaries of Des Moines County were changed indirectly.

The fourth and last of these minor acts of 1839 was approved on January 25.<sup>60</sup> It changed the name of Slaughter County to Washington, and then enlarged the latter by extending its territories one township farther north and one range farther west, thus adding to it seven townships in all. By this change of boundaries Johnson County lost three townships to Washington—which fact receives no mention in the act. (See Map. VII.)

As a result of these four acts which were passed at the first session of the Legislative Assembly of the Territory of Iowa the four counties of Lee, Des Moines, Louisa, and Henry received permanent boundaries. Three counties, namely, Lee, Louisa, and Washington, gained territory. This is counting Washington County as a continuation of Slaughter and not as an entirely new county. The five counties of Slaughter (by the first act), Henry, Des Moines, Johnson, and Keokuk lost territory.

The boundaries of Washington County, as left by these acts, must undergo slight modifications to become permanent. The western boundary of Jefferson County was never changed. This point will be noticed again.

#### ACT OF FEBRUARY 17, 1843

After the minor acts of January, 1839, no more new counties were created in Iowa for four years. In the meantime a treaty was signed with the Sac and Fox Indians (October 11, 1842) by the provisions of which a vast region in the central and south-central parts of the State was ceded to the United States.<sup>61</sup> By the terms of the

<sup>60</sup> It was entitled, "An Act to establish the boundary lines of Washington County, and for other purposes."—See *Laws of the Territory of Iowa, 1838-1839*, p. 100.

<sup>61</sup> *U. S. Statutes at Large*, Vol. VII, p. 596.

treaty the eastern part of the cession was to be vacated in May, 1843, and the western part three years after the signing of the treaty or not until October 11, 1845. The dividing line between these two parts was described in Article I of the treaty as follows: "a line running due north and south from the painted or red rocks on the White Breast fork of the Des Moines river, which rocks will be found about eight miles, when reduced to a straight line, from the junction of the White Breast with the Des Moines."<sup>62</sup> This line corresponded roughly to the line separating ranges 19 and 20 west,<sup>63</sup> which in turn became the western boundary of Appanoose and Kishkekosh (now Monroe) counties as established in the following year.

At the next session of the Legislative Assembly (which was the sixth) the eastern half of this cession, roughly speaking, was divided into new counties by an act entitled "An Act to establish new counties and define their boundaries in the late cession from the Sac and Fox Indians, and for other purposes."<sup>64</sup> It was approved February 17, 1843, and by its terms nine new counties were created and the boundaries of three old ones changed. The nine new counties established were Davis, Appanoose, Wapello,<sup>65</sup> Kishkekosh,<sup>65</sup> Mahaska, Iowa, Poweshiek,<sup>65</sup> Tama, and

<sup>62</sup> *Indian Affairs. Laws and Treaties.* Vol. II (*Treaties*), p. 546.

<sup>63</sup> This is according to map number 24 in the *18th Annual Report of the Bureau of American Ethnology*, 1896-97, Part 2.

A map in the *Census of Iowa*, 1905, places the line about four miles farther west.—See pp. vi, vii.

<sup>64</sup> *Revised Statutes of the Territory of Iowa*, 1843, p. 131. For some reason unknown to the writer this act is not found in the Laws of the Territory of Iowa, 1843-1844, along with most of the acts of the same session.

<sup>65</sup> These names were spelled in the original manuscript copy of the act as follows: Wappello, Kishkeekosh, Poueshiek, and Keokuck.—See volume for 1842-1843 of the original manuscript copies of the acts of the legislature of the Territory of Iowa as kept on file in the office of the Secretary of State, Des Moines, Iowa.



Black Hawk.<sup>66</sup> The old ones, the boundaries of which were altered, where Keokuk, Benton, and Buchanan—the latter indirectly. The boundaries given to these twelve counties by the law of 1843 have all remained permanent except those of Davis which were defective. (See Map VII.)

It will be remembered that the law of 1837, which created the original counties of Benton and Keokuk, had extended them westward to the Missouri River.<sup>67</sup> Most of their soil was as yet Indian territory. Being abnormal in character, they had never been organized but had been attached to other counties for judicial purposes. The law under consideration reduced them to average size and gave them a normal character. Benton County remained in the same tier as before and was made the size of Linn. Keokuk was dropped one tier farther south and made smaller than Benton. The territory included within its boundaries was almost entirely new, that is, only the northern tier of townships or about one-fourth of the county had been within the limits of the original county of the same name.

It might be argued from the wording of the law that Benton and Keokuk were entirely new counties.<sup>68</sup> The location of the new Keokuk harmonizes with this view, while that of Benton does not. On the whole, however, it seems better to consider them as the former counties of the same name reduced in size. Otherwise the old counties would still exist, though a little smaller than formerly, contemporary with the new counties of the same name.

The law of 1843 was better drawn than most of its predecessors. Some mistakes in its provisions may, however, be pointed out. One error exists in the definition of the

<sup>66</sup> Gue in discussing the acts of the sixth session of the Territorial legislature says: "The counties of Kishkekosh and Appanoose were created", overlooking the others.—See Gue's *History of Iowa*, Vol. I, p. 212.

<sup>67</sup> See above, p. 388, and Map III.

<sup>68</sup> See sections 5 and 9 of the act.

boundaries of Davis County, the word "northwest" occurring where northeast is undoubtedly meant.<sup>69</sup> The effect of the error is to leave the county without a complete boundary on the northeast. This error was corrected by a law to organize Davis County, approved on February 15, 1844, which redefined the boundaries of the county.<sup>70</sup> With this act the boundaries of Davis County became permanent.

An inaccuracy, if not an error, occurs in the definition of the boundaries of Benton County. We read in section 9 of the act, where the boundaries of Benton County are defined, as follows: "beginning at the northwest corner of Linn County, thence west to range (13) thirteen west; thence south on said line to the corner of townships (81) eighty-one and (82) eighty-two of range (13) thirteen and (14) fourteen west; thence east to the southwest corner of Linn County; thence north to the place of beginning." The phrase "thence west to range (13) thirteen west" means west to the line dividing ranges twelve and thirteen west, if it be interpreted as similar phrases used in former laws need to be understood. The error is to be found in the definition of the western boundary. The "corner of townships (81) eighty-one and (82) eighty-two of range (13) thirteen and (14) fourteen west" would be on the line between ranges thirteen and fourteen west and not on that between ranges twelve and thirteen west as the definition of the northern boundary would seem to necessitate.

This inaccuracy also affected Tama County, since its eastern boundary was defined as the western boundary of Benton. Fifteen years later an act was passed which settled the boundary line between the two counties definitely on the line between ranges twelve and thirteen west.<sup>71</sup>

<sup>69</sup> See section 1 of the act.

<sup>70</sup> *Laws of the Territory of Iowa, 1843-1844*, p. 137.

<sup>71</sup> See below, p. 430.

By the terms of the act of January 21, 1839, the western boundary of Jefferson County was made the Indian boundary line, that is, the western boundary line of the Sac and Fox cession of October 21, 1837.<sup>72</sup> This line ran not from north to south, but from northeast to southwest. (See Map VII.) Now by the act of February 17, 1843, the northern boundary of Wapello County is described as beginning at the northwest corner of Jefferson County on the line between ranges eleven and twelve west, from which point it is to run westward.<sup>73</sup> But the northwest corner of Jefferson County was not on the line between ranges eleven and twelve, but farther east at the point where the northern boundary of Jefferson was crossed by the western boundary of the Indian cession of October 21, 1837. The southern boundary of Wapello was run eastward to the southwest corner of Jefferson County. The eastern boundary of Wapello was then to run north on the line dividing ranges eleven and twelve to the place of beginning. The southwest corner of Jefferson County was not on the line between ranges eleven and twelve, although very near it. The eastern boundary of Wapello County extended northward as indicated would reach the "place of beginning" on the line between ranges eleven and twelve west, but it would not arrive at the northwest corner of Jefferson County as the boundaries of Jefferson County then stood. The law does not, in so many words, redefine the western boundary of Jefferson County. As a result of these facts a triangular strip of territory (marked 1 on Map VII) was left without any county organization. In spite of ambiguity, the evident intention of the framers of the law was to make the line between ranges eleven and twelve the eastern boundary of Wapello County and it will so appear

<sup>72</sup> See above, pp. 386, 394.

<sup>73</sup> See section 3 of the act.

on our maps. The thought was, no doubt, that this was also the western boundary of Jefferson County; but such was not the case. The western boundary of Jefferson was still the Indian line run in 1837; and it seems too much to imply that the ambiguous language of the act of February 17, 1843, changed it to the line between ranges eleven and twelve west, the intended eastern boundary of Wapello County.

The situation in 1908 remains the same as it was in 1843, since no legislative statute has ever established the boundary line between Wapello and Jefferson counties in a more definite manner. It seems not too much to say, technically, at least, that there is a triangular strip of territory between Jefferson and Wapello counties (strip marked 1 on Map VII) which belongs to neither and which has never been legally a part of any county.

The boundaries of Black Hawk County are described in the act under consideration as follows: "beginning at the northwest corner of Buchanan County, thence west to range fifteen west; thence south to the corner of townships (86) eighty-six and (87) eighty-seven, of range (14) fourteen and (15) fifteen west; thence east to the southwest corner of Buchanan County, thence north to the place of beginning."<sup>74</sup>

Buchanan County had been created by the Act of December 21, 1837. Its boundaries extended clear across the State of Iowa and even into South Dakota. (See Map IV.) Those boundaries had never been altered. In the paragraph quoted above Black Hawk County is defined in terms of Buchanan. It is absolutely impossible to draw Black Hawk County as above described because the boundaries of Buchanan were not such at this time as to permit it. Map VII shows these two counties as the framers of the

<sup>74</sup> See section 11 of the act.



law undoubtedly meant they should be. It should not be forgotten, however, that the boundaries of Black Hawk and Buchanan counties have never been corrected.

When the act under consideration was passed the territory out of which these new counties were carved had not yet been surveyed by the United States government. Consequently, the act provided that the older organized counties should survey and establish the boundaries of the new counties. The lines thus marked out were to be legal until the United States survey was completed, when the township lines of the latter were to become the permanent boundaries. The new counties were to reimburse the older ones for the expenses of the first survey.<sup>75</sup>

#### MINOR ACTS OF 1844 AND 1845

On February 15, 1844, there was approved a law entitled "An Act for the formation of the county of Madison."<sup>76</sup> It attempted to create out of the southern half of Lee County a new county to be called Madison, the boundaries of which were to coincide with those of the old Half-breed Tract. (See Map VIII.) The question of the subdivision of Lee County and the erection of Madison was submitted to the voters of Lee for their decision at the regular annual election in 1844.<sup>77</sup> The proposition was defeated at the polls and the act of the legislature came to naught.

A slight change was made in the boundary line between Washington and Johnson counties by an act approved on June 5, 1845, to go into force immediately.<sup>78</sup> In effect, this act took from the first named county and gave to the latter that part of township 77 north, range 6 west, which

<sup>75</sup> See section 15 of the act.

<sup>76</sup> *Laws of the Territory of Iowa, 1843-1844*, p. 142.

<sup>77</sup> The election was held in April.

<sup>78</sup> *Laws of the Territory of Iowa, 1845*, p. 66.

lay east of the Iowa River, which stream became the boundary line between the two counties for some seven or eight miles. (See Map VIII.) By this slight change these two counties received their permanent boundaries.

Five days later, that is, on June 10, an act was approved creating Marion County.<sup>79</sup> It was located just west of Mahaska County, one-half of it lying east and one-half west of the line which divided the Sac and Fox cession of October 11, 1842. The Indians had been given three years to vacate the western part of this cession,<sup>80</sup> which time had not yet expired when Marion County was created.

An error was made in defining the boundaries of the new county. Beginning at the northwest corner of Mahaska the northern, the western, and the southern boundaries of Marion were correctly described. The error was made in connection with the eastern boundary. After the southern boundary had been extended eastward "to the southwest corner of Mahaska County the eastern boundary of Marion was to run "thence north along the range line, dividing ranges sixteen and seventeen, to the place of beginning."<sup>81</sup> This was impossible because the "line dividing ranges sixteen and seventeen" does not run north from the southwest corner of Mahaska County, but is six miles to the eastward of that point. Where the law says "ranges sixteen and seventeen", ranges seventeen and eighteen are meant. The evident intention of the framers of the law was not to give to Marion County the four western townships of Mahaska but rather to make the western boundary of the latter, the eastern boundary of the former. The error was discovered and corrected eighteen months later.<sup>82</sup>

<sup>79</sup> *Laws of the Territory of Iowa*, 1845, p. 93.

<sup>80</sup> See above, p. 397.

<sup>81</sup> See section 1 of the act.

<sup>82</sup> See below, p. 408.

ACT OF JANUARY 13, 1846

The next act relative to the establishment of counties, passed in 1846, created twelve new counties out of the western part of the Sac and Fox cession of October, 1842, which region had now been vacated. This law, which was important because of the number of counties created received the simple title of "An Act to establish new counties and define their boundaries." It was approved on January 13, 1846, to take effect from and after its passage.<sup>83</sup> True to its title, this law attached no counties and organized none, but merely created, named, and bounded the twelve counties of Wayne, Lucas, Warren, Polk, Marshall, Jasper, Story, Boone, Dallas, Madison, Clarke, and Decatur. (See Map VIII.)

It will be remembered that in an earlier law an attempt was made to erect a new county to be called "Madison" out of the old Half-breed Tract in Lee County.<sup>84</sup> That attempt coming to naught, the name of "Madison" is given to one of the new counties now created.

In its definition of county boundary lines the law under discussion contained some serious errors. Of the twelve counties created, only six were given boundaries which have remained permanent. These six were Wayne, Marshall, Story, Boone, Madison, and Decatur. Such serious errors were made in the boundaries of Warren and Jasper counties that it is absolutely impossible to represent those counties on the map with the boundaries given them by the law. What seem to be Warren and Jasper counties on Map VIII are merely the districts not included in the other counties named in the act. The boundaries of these two districts correspond, indeed, to the boundaries which the framers of the act intended to give the counties. To be

<sup>83</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 73.

<sup>84</sup> See above, p. 402.

more specific, the western boundary of Warren County was, by mistake, extended three townships too far south so that the southern boundary when extended eastward did not connect with the south end of the eastern boundary, or, in other words, did not arrive at the southwest corner of Marion County, from whence the eastern boundary was to be run north to the place of beginning.<sup>85</sup>

By a very peculiar error the western boundary of Jasper County instead of being extended south was to run east; while its southern boundary, instead of being extended east was to run south, or at least this is what the law indicates though clearly impossible. These facts show why it is impossible to represent Warren and Jasper counties on the map with the boundaries given them in the law.

The boundaries of Polk County are defined in terms of the boundaries of Jasper County and yet it precedes Jasper in the law. It would have been more logical to arrange the counties in the act in the order in which their boundaries were described.

The four remaining counties of Lucas, Polk, Dallas, and Clarke received definite boundaries, that is, no errors were made in defining them; but they were not to be permanent.

Some of the errors made in the law of January 13, 1846, had to wait seven years for correction. Others were detected at once and an attempt made to correct them.

#### MINOR ACTS OF JANUARY, 1846

Four days after the approval of the act just discussed, there was approved a supplementary act which sought to redefine the boundary lines of Jasper, Polk, and Dallas counties.<sup>86</sup> (See Map IX.) By the terms of this act the western boundary of Jasper County was moved one range

<sup>85</sup> See section 3 of the act.

<sup>86</sup> *Laws of the Territory of Iowa, 1845-1846, p. 75.*



farther west, thus giving the county its present boundaries. Somewhat similarly, the eastern and western boundaries of Dallas County were each moved one range farther west, giving to this county also its permanent boundaries.

In the attempt to redefine the boundaries of Polk County a serious error was made. Not only was the county located one township farther west than it had been, but the act sought also to extend it one township farther south, thus giving it territory which had belonged to Warren County by the terms of the act of January 13. It was in attempting to make this addition to the area of Polk County that the error was made in that the southern boundary was omitted altogether.<sup>87</sup> On account of this error it is impossible to draw the Polk County as established by the act of January 17, 1846. The intention of the framers of the law is clear. On Map IX the county may be seen drawn as the framers of the act meant it should be.

It is asserted by the historians of Polk County that local politics was responsible for the transfer of the four townships in question from Warren County to Polk in 1846.<sup>88</sup> A county seat war was on between Fort Des Moines and Brooklyn, rival aspirants for local leadership. The argument was made against the former that it was not near enough to the center of the county. But its boomers were equal to the occasion. The Legislative Assembly of the Territory was manipulated and as a result the county boundaries were extended one township farther south. Fort Des Moines was now almost exactly in the center of the

<sup>87</sup> See section 2 of the act.

<sup>88</sup> See Dixon's *Centennial History of Polk County*, Des Moines, 1876, p. 22. *History of Polk County*, Des Moines, 1880, pp. 425, 426. Hull's *Historical and Comparative Census of Iowa, 1836-1880*, Des Moines, 1880, p. 411. This work is in error in saying that "it was the intention of the act [the act of January 17, 1846] to make the county four townships square".

*Iowa State Atlas, Davenport*, 1904, p. 315.

county. As a result it secured the county seat. Immediately an agitation was begun by citizens of Warren County for the return of the "strip" as the territory in dispute came to be called. This movement was finally successful in 1853 in which year an act of the legislature, approved on January 14, formally restored to Warren County<sup>89</sup> all of the four townships in question except that part of township 77 north, of range 22 west, which lay north of the Des Moines River.

By an act approved on January 19, 1846, the name of Kishkekosh County was changed to that of Monroe.<sup>90</sup> The county had been created in 1843. In the title of the act establishing the county in that year the name had been spelled Kishkeekosh.<sup>91</sup> Now in the title of the act changing the name of the county it is spelled with only one "e."

### III

#### THE PERIOD OF STATEHOOD, 1846-1908

The first act of the Federal Congress authorizing the admission of Iowa into the Union was approved on March 3, 1845.<sup>92</sup> Then followed nearly two years spent in the adoption of a Constitution and in the adjustment of boundaries. The act which finally admitted the State was not passed and approved until December 28, 1846.<sup>93</sup>

#### ACTS OF THE FIRST GENERAL ASSEMBLY, 1846-1847

At this time Iowa contained forty-four counties, covering a little less than one-half of the State. (See Map VIII.) The First General Assembly of the State passed several

<sup>89</sup> The *Iowa State Atlas* wrongly says this was done in 1852. See same, p. 315.

<sup>90</sup> *Laws of the Territory of Iowa, 1845-1846*, p. 108.

<sup>91</sup> See above, p. 397, n. 65.

<sup>92</sup> *U. S. Statutes at Large*, Vol. V, p. 742.

<sup>93</sup> *U. S. Statutes at Large*, Vol. IX, p. 117.

acts relative to the formation of counties. The first of these defined anew the boundaries of Marion County. It was approved on January 27, 1847,<sup>94</sup> to take effect from and after its publication in the weekly newspapers of Iowa City.<sup>95</sup> The passage of this act was rendered necessary by the fact that when the county was created in 1845 an error was made in the definition of the eastern boundary.<sup>96</sup> That error is now corrected and the county is given its permanent boundaries. (See Map IX.)

On the following day an act was approved redefining the boundaries of Polk County.<sup>97</sup> This was the third time that the boundaries of Polk had been described. Created by the act of January 13, 1846, it was given definite boundaries. In the definition of the boundaries of other counties created by the same act serious errors were made, some of which were discovered at once.<sup>98</sup> Four days later, in a supplemental act, an attempt was made to correct these errors as far as they affected the counties of Jasper, Polk, and Dallas.<sup>99</sup> In this new effort to describe the boundaries of Polk County, its southern boundary was omitted completely. The act of January 28, 1847, again defines the boundaries of Polk County. The limits are the same which the supplemental act, just mentioned, attempted to establish. Indeed, the wording of the two acts is the same with the exception that the southern boundary, omitted in the earlier act, is included in that of the later date.

The boundaries given to Polk County by the law under consideration were definite. They included the northern

<sup>94</sup> *Laws of Iowa*, 1846-1847, p. 32.

<sup>95</sup> The act was published in the *Reporter* on February 3, and in the *Standard* on February 4, 1847. See *Laws of Iowa*, 1846-1847, p. 32.

<sup>96</sup> See above, p. 403.

<sup>97</sup> For this act of January 28, 1847, see *Laws of Iowa*, 1846-1847, p. 33.

<sup>98</sup> See above, p. 404.

<sup>99</sup> See above, p. 405.

tier of townships belonging to Warren County. No mention of Warren County is made in the law but the transfer of territory to Polk County must, nevertheless, be held to be legitimate. (See Map IX.)

Remembering that the act of January 27, 1846, which first sought to make this transfer, was imperfect, an interesting question relative to the status of the territory to be transferred arises. Did it belong after January 27, 1846, to Polk County or to Warren? The letter of the law failed to transfer it; the intention of the framers undoubtedly was to make such transfer,<sup>100</sup> and the courts would probably have decided, had a case arisen, in favor of the intention of the framers. On the other hand, why was the act of January 28, 1847, passed? It is sufficient to answer that although the intention of the framers of the act of January 17, 1846, may have been clear, the act still contained an error, and confusion at least would be avoided by a new law.

NEW COUNTIES IN THE POTTAWATTAMIE AND WINNEBAGO  
CESSIONS ESTABLISHED IN FEBRUARY, 1847

By a treaty made on June 5, 1846, the Pottowautomie<sup>101</sup> nation, including the Chippewa and Ottawa tribes, ceded to the United States all of those lands in Iowa to which they had any claims.<sup>102</sup> The region over which they had exercised undisputed control extended from the western boundary of the Sac and Fox cession of October 11, 1842,<sup>103</sup> to the Missouri River, except in the northwestern part of the State where it did not include the lands immediately bordering on the Missouri and Big Sioux rivers.

<sup>100</sup> If this was not the intention of the framers then a second error was made in the act in the definition of the western boundary. See section 2 of the act.

<sup>101</sup> This is the spelling found in the treaty.

<sup>102</sup> *U. S. Statutes at Large*, Vol. IX, p. 853.

<sup>103</sup> See above, p. 396.



On October 13, of the same year, the Winnebagoes ceded their reservation in the northeastern part of the State.<sup>104</sup> This cession, which comprised the eastern part of the "Neutral Ground", extended westward to the eastern branch of "Red Cedar Creek", now called Little Cedar River which flows through Mitchell, Floyd, Chickasaw, and Bremer counties.

Closely following these cessions of Indian Territory came acts of the State legislature creating new counties out of part of the lands thus ceded. The first of these acts, approved February 3, 1847, gave to Fayette and Clayton counties their present boundaries.<sup>105</sup> (See Map IX.) In the case of Clayton County, only its western and northern boundaries are defined in the act under discussion. Its southern and eastern boundaries remained as defined in the act of December 21, 1837, by which the county was first established.<sup>106</sup> As a result of the change made in 1847 Clayton County gained some territory in the northwest and lost an equal amount in the northeast. The older boundary on the north and northwest had been the line which separated the Black Hawk Purchase from the Neutral Ground. The new boundary follows the lines of the United States survey.

All of the boundaries of Fayette County are defined anew. The peculiar character and immense size of the first county of this name have already been discussed.<sup>107</sup> In reducing the county to its present size the act of 1847 says nothing about the vast territory which formerly belonged to it.

The second act of the State legislature creating new

<sup>104</sup> *U. S. Statutes at Large*, Vol. IX, p. 878.

<sup>105</sup> *Laws of Iowa*, 1846-1847, p. 37.

<sup>106</sup> See above, p. 387.

<sup>107</sup> See above, p. 388.

counties out of lands acquired from the Winnebagoes was approved February 20, 1847.<sup>108</sup> By the terms of this law the two counties of Allamakee and Winneshiek were erected in the extreme northeastern part of the State. (See Map IX.) The boundaries given them at this time have remained permanent. The territory included within their limits had been so recently acquired from the Indians that it had not yet been surveyed by the United States government. Indeed, the treaty had not yet been ratified by the United States Senate or the Indians removed from the cession when these two counties were established.<sup>109</sup> Because of these facts the act authorized the county commissioners of Clayton County to have the boundaries of the two new counties surveyed and marked off.<sup>109</sup> The boundaries thus established were to be superceded by the lines of the United States survey as soon as it should be completed. Clayton County was to be reimbursed by the new counties for the expense of the preliminary survey.

Four days after the erection of the counties of Allamakee and Winneshiek in the northeastern corner of the State an act was approved which created four new counties out of a part of the Pottawattamie cession of the previous year.<sup>110</sup> The counties established were Ringgold, Taylor, Page, and Fremont, all on the Missouri border in the southwestern corner of the State. The boundaries received by these four counties at this time have remained permanent. (See Map IX.)

#### POTTAWATTAMIE COUNTY

On February 24, 1847, the day of the approval of the act creating the four counties just mentioned, there was ap-

<sup>108</sup> *Laws of Iowa*, 1846-1847, p. 81.

<sup>109</sup> See section 3 of the act.

<sup>110</sup> Approved on February 24, 1847. See *Laws of Iowa*, 1846-1847, p. 114.

proved a second law relative to new counties in the territory lately acquired from the Pottawattamie nation in southwestern Iowa.<sup>111</sup> This act, which was entitled "An Act for the organization of Pottawatamie and other counties", not only defined the boundaries of the new county and provided the method of its organization, but also declared that this method should be followed in the future organization of counties in Iowa. Thus the law was both general and special in its character—general in that it provided a method of organization for all counties, special in that it named and dealt specifically with only one. The boundaries of Pottawatamie County were not definitely defined; the act merely declared "That the country embraced within the limits of what is called the Pottawatamie purchase, on the waters of the Missouri river, in this State, be, and the same may be, temporarily organized into a county, by the name of Pottawatamie".<sup>112</sup> The boundaries were indefinite and the organization was optional, being left to the discretion of the judge of the fourth judicial district.<sup>113</sup> The county actually was organized, however, on September 21, 1848. (See Map X.)

For the size and boundaries of the new county one must go to the Indian treaties of the United States government. The "Pottawatamie purchase" referred to in section 1 of the act was made on June 5 and 17, 1846. On these dates at the Indian Agency, on the Missouri River near Council Bluffs, a treaty<sup>114</sup> was made between the United States government and the Pottawattamie nation by the terms of which those tribes ceded to the United States, among other lands, all their claims to territory in Iowa, "especially the

<sup>111</sup> *Laws of Iowa, 1846-1847*, p. 115.

<sup>112</sup> This is the spelling found in the act.

<sup>113</sup> See section 1 of the act.

<sup>114</sup> *U. S. Statutes at Large*, Vol. IX, p. 853.

tracts or parcels of lands ceded to them by the treaty of Chicago”.

The “treaty of Chicago” here referred to was made on September 26, 1833, with the same Indians.<sup>115</sup> By the terms of this agreement the Pottawattamie nation ceded some 5,000,000 acres of land in Wisconsin and Illinois to the United States government and was to receive in return a Reservation of like extent in western Iowa. The boundaries of this Reservation are difficult to determine since they were never entirely surveyed. The boundaries agreed to in the treaty were not ratified by the United States Senate,<sup>116</sup> but that body, on May 22, 1834, proposed an alternative. The Indians did not consent to the change suggested but proposed modifications on their own part. These boundaries the Senate ratified.<sup>116</sup> An attempt has been made to show the Reservation with the boundaries finally agreed upon in Map X.<sup>117</sup> The boundaries described in the treaty, as finally ratified, included more territory than necessary—approaching more nearly 10,000,000 acres than 5,000,000. (See district bounded by the green line on Map X.) Provision was made in the treaty for the reduction of these boundaries in case they were found to include more than 5,000,000 acres which was to be the size of the Reservation. This reduction was to be made by running a straight line eastward from the mouth of the Boyer River to the western boundary of the lands of the Sacs and Foxes in such a way that the 5,000,000 acres would lie south of the line so drawn. (See district bounded by the broken line on Map X.) This line was never sur-

<sup>115</sup> *U. S. Statutes at Large*, Vol. VII, p. 431.

<sup>116</sup> *18th Annual Report of the Bureau of American Ethnology*, 1896-1897, Part 2, p. 751.

<sup>117</sup> The map has been drawn from the definition of boundaries agreed to, reference being made at the same time to map number 25 in the *18th Annual Report of the Bureau of American Ethnology*, 1896-1897.



veyed, hence as drawn on the map it is simply an approximation.

It should be noted carefully that no part of this Reservation was in Missouri, though some writers have declared this to be the fact.<sup>118</sup> If the original boundaries as defined in section 2 of the treaty had been adopted this would have been true, but after the boundaries were altered the southern boundary was placed on the parallel of the northern boundary of Missouri.

The eastern boundary of the Reservation, according to the terms of the treaty, was the western boundary of the Sac and Fox lands. This takes us back to July 15, 1830, upon which date in a treaty made at Prairie du Chien the Sacs and Foxes, together with various other tribes, ceded to the United States all their claims to territory in western Iowa.<sup>119</sup> The eastern boundary of this cession was described as the "highlands or ridge separating the waters of the Missouri from those of the Demoine, to a point opposite the source of the Boyer River, and thence in a direct line to the upper fork of the Demoine, the place of beginning".<sup>120</sup> Most of Iowa east of this line and south of the Neutral Ground was still claimed by the Sacs and Foxes, hence the line just described became, from 1830 on, the western boundary of the lands of these two affiliated tribes. The southern part of this line is difficult to trace. The treaty of July 15, 1830, after tracing the southern boundary of the cession of that year eastward, along the northern boundary of Missouri contained these words: "thence to the high lands between the waters falling into the Missouri and Des Moines,<sup>121</sup> passing to said highlands along

<sup>118</sup> See Hull's *Historical and Comparative Census of Iowa, 1836-1880*, p. 412.

<sup>119</sup> *U. S. Statutes at Large*, Vol. VII, p. 328.

<sup>120</sup> See article 1 of the treaty.

<sup>121</sup> This name is spelled two different ways, neither of which is correct, in article 1 of the treaty.

the dividing ridge between the forks of the Grand River." Because of this wording, the southern part of the western boundary of the lands of the Sacs and Foxes (which is the same as the eastern boundary of the Pottawattamie Reservation of 1833, of the Pottawattamie cession of 1846, and of the county of the same name established in 1847) has been drawn on Map X through Ringgold and Union counties rather than through Decatur and Union. In other words, the line has been drawn between "West Fork" and "East Fork", rather than between the Grand River proper and "Thomson's Fork" farther east. In doing this the writer has followed Map No. 25 in the *Eighteenth Annual Report of the Bureau of American Ethnology*. It seems also to be justified by the fact that if the line is drawn through Decatur County it would mean that in establishing that county lands were included which as yet belonged to the Pottawattamie Indians, the county having been erected before the lands were ceded. It would also mean that parts of Clarke and Decatur counties were included in the new county of "Pottawatamie", if one of two possible interpretations is put upon the act creating the latter county.

The northern boundary of Pottawatamie County can not be drawn with accuracy, never having been surveyed. It was to extend, it will be recalled,<sup>122</sup> eastward from the mouth of the Boyer River, and should be so drawn that the country south of it would contain 5,000,000 acres all of which should be in Iowa. If the treaty of 1833 had been ratified as originally drawn, about one-fourth of this area would have been in Missouri, and hence the line under discussion would have to be drawn farther to the south, that is, the east end of it would have to be so drawn.<sup>123</sup>

<sup>122</sup> See above, p. 413.

<sup>123</sup> This error has evidently been made by Gue and Hull. See Gue's *History of Iowa*, Vol. III, p. 402 and Hull's *Historical and Comparative Census of Iowa, 1836-1880*, p. 412.

The act creating the counties of Fremont, Page, Taylor, and Ringgold was approved on the same day as that creating Pottawattamie County. The latter was to be coëxtensive with the Pottawattamie cession of 1846. In other words it included all the territory within the limits of the four counties just named. The effect of this is somewhat difficult to determine. The chances are that the framers of the law meant that Pottawattamie County should include all of the cession of the previous year not included within the boundaries of the four counties of Fremont, Page, Taylor, and Ringgold. The organization of Pottawattamie County was optional with the Judge of the fourth judicial district. The very existence of the county depended upon its organization. Moreover, it was to be only a temporary jurisdiction.<sup>124</sup> It was too large to be permanent. In character it was much like the early counties of Buchanan, Benton, and Keokuk.

As drawn on Map X the temporary county of Pottawattamie includes the present counties of Fremont, Page, Taylor, Mills, Montgomery, Adams, and Cass; most of Pottawattamie, Shelby, and Audubon; and parts of Ringgold, Union, Adair, Guthrie, Carroll, Crawford, and Harrison.<sup>125</sup> Pottawattamie County was reduced to its present size in 1851.<sup>126</sup>

#### THE MINOR ACT OF DECEMBER 27, 1848

During the regular session of the Second General Assembly of the State of Iowa but one law was passed which affected county boundaries. This act, which was approved on December 27, 1848, altered the boundaries of Lucas and

<sup>124</sup> See section 1 of the act.

<sup>125</sup> Gue and Hull include none of Crawford or Carroll but some of Decatur County. See note 130.

<sup>126</sup> See below, p. 418.

Clarke counties.<sup>127</sup> These counties had been created by act of January 13, 1846.<sup>128</sup> (See Map VIII.) The law of 1848 moved the western boundary of Lucas County one township farther east and the western boundary of Clarke County two townships farther east. (See Map XI.) By these changes Lucas County received its permanent boundaries. In defining the boundaries of Clarke County an error was made by which its southern boundary was extended eastward to the "southeast corner" of Lucas County, the southwest corner being meant, of course. This error makes it impossible to draw the eastern boundary of the county.

The name of the county is spelled Clark in the printed laws, the final "e" being dropped. This is but a printer's error, since reference to the original manuscript act signed by the Governor and kept on file in the office of the Secretary of State shows the correct spelling to be Clarke.<sup>129</sup>

#### ACT OF JANUARY 15, 1851

On January 15, 1851, there was approved the most important act in the whole history of the formation of counties in Iowa.<sup>130</sup> At least it was the most comprehensive and created the largest number of counties. By this measure fifty counties were established embracing fully one-half of the State. These fifty new counties, named in the order in which their boundaries were defined in the act, were: Union, Adair, Adams, Cass, Montgomery, Mills, and Potawattamie<sup>131</sup> in the southwestern part of the State; Bremer, Butler, Grundy, Hardin, Franklin, and Wright in

<sup>127</sup> *Laws of Iowa*, 1848-1849, p. 32.

<sup>128</sup> See above p. 404.

<sup>129</sup> Original manuscript copies of the acts of the General Assembly. See bound volume for 1848-1849 as kept on file in the office of the Secretary of State, Des Moines, Iowa.

<sup>130</sup> *Laws of Iowa*, 1850-1851, p. 27.

<sup>131</sup> Still spelled with only three *ts* in the act.



the northeastern and north-central part of the State; Risley, Yell, Greene, Guthrie, Audubon, Carroll, Fox, and Sac in the west-central part, a group which was to undergo several changes later; Crawford, Shelby, Harrison, Monona, Ida, and Waukawa on the western border of the State; Humbolt,<sup>132</sup> Pocahontas, Buena Vista, Cherokee, and Plymouth in the northwest, completing the third tier from the Minnesota line; Chickasaw, Floyd, Cerro Gordo, Hancock, Kossuth, Palo Alto, Clay, O'Brien, and Sioux in the second tier from the north, named from east to west; Howard, Mitchell, Worth, Winnebago, Bancroft, Emmet,<sup>133</sup> Dickinson, Osceola, and Buncombe on the northern border and completing the subdivision of the State. (See Map XI.)

Of the fifty counties just enumerated thirty-four received their permanent boundaries at this time. Those comprising this group were Union, Adair, Adams, Montgomery, Mills, Pottawattamie, Bremer, Butler, Hardin, Franklin, Wright, Greene, Carroll, Fox (Calhoun), Sac, Shelby, Harrison, Ida, Pocahontas, Buena Vista, Cherokee, Plymouth, Cerro Gordo, Hancock, Palo Alto, Clay, O'Brien, Sioux, Worth, Winnebago, Emmet, Dickinson, Osceola, and Buncombe (Lyon). Two of these, namely, Fox and Buncombe, had their names changed later,<sup>134</sup> but their boundaries as now established were not altered. In addition to Fox and Buncombe, the names of two other counties (Risley and Waukawa) created by the act of 1851 were changed later, making four in all. The laws making these changes will be noticed in their proper places.<sup>135</sup>

<sup>132</sup> This is the spelling found in the act. The writer has no evidence to the effect that a mistake was made.

<sup>133</sup> Spelled with two *ts* in the act.

<sup>134</sup> See below, pp. 424, 430.

<sup>135</sup> See below, p. 424.

Of the sixteen counties the boundaries of which were not permanently established by the act under consideration, four (Risley, Yell, Humbolt, and Bancroft) were subsequently blotted out. Before this occurred the name of Risley had been changed to Webster.<sup>136</sup> Humbolt, after having been blotted out, was restored.<sup>137</sup> Bancroft was never permanently restored, although an attempt was made to do so under the name of Crocker.<sup>138</sup>

Eight of the twelve remaining counties had their boundaries altered, some once, some more than once, before they were to become permanent. In six cases (Crawford, Monona, Chickasaw, Floyd, Mitchell, and Howard) the object sought in altering boundaries was to make the counties more nearly equal in size. This tendency to equalize the size of counties received a check when Bancroft County was blotted out and its territory was given to Kossuth.<sup>139</sup> Audubon County as created was larger than now. It was cut to its present size by a later act altering the boundaries of Guthrie County.<sup>140</sup> Of the eight counties, the alterations in the boundaries of which have just been discussed, four were made larger by these changes (Crawford, Kossuth, Mitchell, and Worth); and four were made smaller (Monona, Chickasaw, Floyd, and Audubon). The boundaries of these eight counties were not changed because of errors in the law creating them, with the possible exception of Audubon.<sup>140</sup>

On the whole, the law of January 15, 1851, is noticeable for the superior manner in which the boundaries of counties are defined. Compared with earlier laws its language

<sup>136</sup> See below, p. 424.

<sup>137</sup> See below, p. 428.

<sup>138</sup> See below, p. 431.

<sup>139</sup> See below, p. 427.

<sup>140</sup> See below, p. 423.

is clear and simple. It is comparatively free from errors.

In the definition of the boundaries of Cass County, the law reads "thence south on the range line between ranges 37 and 38, to the southwest corner of township 74 north of range 38 west".<sup>141</sup> It should have read "north of range 37 west." The line indicated in the law can not be drawn. The county as shown on Map XI is drawn as the framers of the law evidently intended it should be drawn. This error in the definition of the boundaries of Cass County was never corrected.

A similar trivial error is found in the definition of the boundaries of Grundy County. The southern boundary of this county is thus described in the law: "thence east on the line between townships 85 and 86 to the southwest corner of township 86 north, range 16 west, thence north to the northeast corner of said township, thence east,"<sup>142</sup> etc. The last clause should have read: thence north to the northwest corner of said township. It is clearly impossible to run a line north from the southwest corner of a township to the northeast corner of the same. Map XI shows Grundy County as it was meant to be, Tama County giving it its proper shape on the southeast. This error in describing the southern boundary of Grundy County has never been corrected.

In defining the boundaries of Waukeshaw (now Woodbury) County the southeast corner was established at the southwest corner of township 81 north, range 41 west. The law should have read: southwest corner of township 86 north, range 41 west.<sup>143</sup> This is another of those errors easily discovered, because it is impossible to trace the county boundaries as the law indicates. The surrounding

<sup>141</sup> See section 4 of the law.

<sup>142</sup> See section 10 of the law.

<sup>143</sup> See section 27 of the law.

counties give Waukau its proper shape on the map. (See Map XI.) The error has never been corrected.

An error was also probably made in the definition of the boundaries of Guthrie County, as a result of which its eastern and western boundaries were placed each one township farther east than the framers of the law really intended. At any rate Guthrie's boundaries were redefined twenty-one days later in an act supplemental to the act under discussion, and as a result the county was pushed westward one township, receiving its permanent boundaries. But although an error was made in the law of January 15, 1851, in regard to the boundaries of Guthrie County, as a result of which it was given a different location from the one intended, yet its boundaries were definite. It is possible to draw them on a map. Being definite, error or no error, they were in force until legally changed. Both Dallas and Audubon counties were affected by the wording of the act of January 15, 1851, the former losing one range of townships on its western border, the latter being made larger than it was to remain. These facts will be discussed in more detail in connection with the next act passed.

The most serious error made in the law of January 15, 1851, yet remains to be mentioned. The Constitution of 1846 contained a section on counties which read as follows: "No new county shall be laid off hereafter, nor old county reduced to less contents than four hundred and thirty-two square miles."<sup>144</sup> The law under consideration created six counties on the northern border of Iowa (Osceola, Dickinson, Emmet, Bancroft, Winnebago, Worth) each of which had an area of 408 square miles and was, therefore, smaller than required by the Constitution of 1846.

Bancroft County was blotted out by an act approved on

<sup>144</sup> See Article XI, section 2, of Constitution of Iowa, 1846.



January 24, 1855.<sup>145</sup> The other five counties have never been altered by statute. The new State Constitution adopted in 1857 forbade the organization of any old county, or the erection of any new county, with an area of less than 432 square miles. At the same time it made an exception in favor of the organization of Worth County, and the other counties on the northern border of the State west of Worth, whose area according to the law creating them was less than required by the Constitution.<sup>146</sup>

Five of the six counties just mentioned were clearly unconstitutional from 1851 to 1857. The other one, Bancroft, was also unconstitutional until blotted out in 1855. The question arises, What was the effect of the Constitution of 1857 upon the five counties of which it made an exception? As far as the writer has been able to discover, no case came before the courts of Iowa between the years of 1851 and 1857 in which the constitutionality of the five counties under discussion was challenged. This being the case, the courts would now probably decide that the Constitution of 1857 made legal the organization of the five counties in question. Their unconstitutional existence from 1851 to 1857 would thus be overlooked. It seems perfectly clear, however, that if a case had arisen during these years the counties named would have been declared unconstitutional. This would not necessarily have nullified the remainder of the law.

The act of January 15, 1851, completes the subdivision of the State of Iowa into counties. The acts which remain to be discussed will have for their purpose chiefly the changing of names or the readjustment of the boundaries already established.

<sup>145</sup> See below, p. 427.

<sup>146</sup> See Article XI, section 2, of Constitution of Iowa, 1857.

## SUPPLEMENTARY ACT OF FEBRUARY 5, 1851

By an act approved February 5, 1851, the boundaries of Guthrie County were redefined,<sup>147</sup> and became permanent. This act was supplemental to that of January 15, 1851, by the terms of which Guthrie County was originally established. The boundaries of the county were now defined in such a way as to include a range of townships on the west. All acts or parts of acts conflicting with the supplemental act were repealed. (See Map XII.)

Two other counties, Audubon and Dallas, were affected by this change. The former lost its eastern range of townships and was reduced to its present size. In other words, it received its permanent boundaries at this time. Although Audubon County was not mentioned by name in the act under discussion, there can be no doubt that it was legally deprived of this territory because section two specifically repealed all conflicting laws or parts of laws as just mentioned. Dallas County gained a range of townships through the efficacy of the same repealing section. Were it not for this clause in the act it might very reasonably be argued that this territory would not have gone to Dallas by default. The territory in question had belonged to Dallas County before the act of January 15, 1851, gave it to Guthrie; hence by virtue of section two it now reverts to Dallas. If it had never belonged to Dallas County this territory could hardly be said to revert now to that county without some specific statement in the law to that effect.

## ACTS PASSED BY THE FOURTH GENERAL ASSEMBLY, 1852-1853

The fourth General Assembly of the State of Iowa which convened at Iowa City on December 6, 1852,<sup>148</sup> passed four acts relative to Iowa counties which need to be discussed

<sup>147</sup> *Laws of Iowa*, 1850-1851, p. 194.

<sup>148</sup> *Laws of Iowa*, 1852-1853, p. 5.

in this paper. The first of these acts, which received the brief title of "An Act in relation to New Counties", was approved on January 12, 1853.<sup>149</sup> It went into effect upon publication in certain papers on January 22. Most of the act is given up to the details of a new method of county organization to be followed in the future. That part of the act which concerns this paper is section four, by the terms of which the name of the county of Waukau was changed to Woodbury, that of Risley to Webster, and that of Fox to Calhoun.

The second act of the fourth General Assembly to be noted here was approved on January 14, to go into effect on March 1, 1853.<sup>150</sup> It redefined the boundaries of Warren County. This county had been created by act of January 13, 1846, when a mistake was made in the definition of its boundaries.<sup>151</sup> It had lost territory to Polk County by the act of January 17, 1846.<sup>152</sup> This act being defective, its provisions were embodied in the law of January 28, 1847.<sup>153</sup>

The act under consideration restored to Warren County all the territory previously lost to Polk, which consisted of a tier of townships, except that in making the restitution all that part of township 77 north, range 22 west, which lay north of the Des Moines River was reserved to Polk County. (See Map XII.) This made that river the boundary between these two counties for five or six miles, a boundary which many maps neglect to show.<sup>154</sup> As a

<sup>149</sup> *Laws of Iowa*, 1852-1853, p. 28.

<sup>150</sup> *Laws of Iowa*, 1852-1853, p. 40.

<sup>151</sup> See above, p. 404.

<sup>152</sup> See above, p. 406.

<sup>153</sup> See above, p. 408.

<sup>154</sup> See Rand, McNally & Company's *Indexed Atlas of the World*, (1908), Vol. I, pp. 200, 201.

*Map of Iowa* prepared by the Railroad Commissioners of Iowa.

*Iowa State Atlas*, 1904, pp. 18, 19. The county maps of Polk and Warren counties in this atlas are correct, see pp. 119, 231.

result of this law both Polk and Warren counties received boundaries which were definite and which have remained permanent.

Five days later the boundaries of Dallas County were defined anew.<sup>155</sup> The county had been created by an act of January 13, 1846.<sup>156</sup> Its boundaries were shifted one township farther west on the 17th.<sup>157</sup> Its western range of townships was given to Guthrie by the act of January 15, 1851.<sup>158</sup> The boundaries of Guthrie County were redefined by the act of February 5, 1851, by the terms of which the range of townships (four in all) in question was not included within its jurisdiction. It has been argued above that this territory legally reverted to Dallas County.<sup>159</sup> If this view is the correct one, the law under discussion was unnecessary. If the view mentioned is wrong, then this law was necessary to give the territory in question back to Dallas County, from which it must follow that the said strip of territory was outside the limits of both counties from February 5, 1851, to January 19, 1853. Owing to the fact that the law of February 5, 1851, which omitted these four townships from Guthrie County, repealed all conflicting laws or parts of laws, that is, repealed that part of the act of January 15, 1851, by the terms of which Guthrie had acquired the same townships from Dallas County, it seems to the writer that the territory in question fell back into the same legal status which it possessed prior to the earlier act, or, in other words, reverted to Dallas County to which it belonged before it was taken away and conferred upon Guthrie.

<sup>155</sup> By an act approved January 19, 1853. See *Laws of Iowa, 1852-1853*, p. 65.

<sup>156</sup> See above, p. 404.

<sup>157</sup> See above, p. 405.

<sup>158</sup> See above, p. 421.

<sup>159</sup> See above, p. 423.



Be this as it may, the act of January 19, 1853, so defined the boundaries of Dallas County as to include the territory in question. From this date the boundaries of Dallas County were permanent without question, if not from February 5, 1851, as the writer contends. (See Map XII.)

The fourth act passed by the Fourth General Assembly was approved on January 22, 1853.<sup>160</sup> It was entitled "An Act to create the county of Webster." It has already been shown that the name of Risley County was changed to Webster by the act approved on January 12, 1853,<sup>161</sup> to go into effect upon publication in certain newspapers. A certification signed by the Secretary of State accompanies the law to the effect that the act was published in the required newspapers on January 22, 1853.<sup>162</sup> This date is the same as that of the approval of the new law to "create" Webster County by uniting Risley and Yell into one new county to be called Webster. The latter act was "to take effect from and after its publication in the *Iowa Star*; Provided, the State shall incur no expense for such publication."<sup>160</sup> No accompanying note tells when the act was so published. It was usual in such cases for a few days to elapse between the approval of an act and its publication.

A diligent search through the files of the *Iowa Star* has failed to reveal the date of publication. Indeed, it is practically certain that the act was not published in that paper at all, in which case it would not go into effect until the first of July following.<sup>163</sup> It is practically certain, therefore, that the act of January 12, which changed the name of Risley County to Webster, went into effect before the act of January 22 which united Risley and Yell.

<sup>160</sup> *Laws of Iowa*, 1852-1853, p. 87.

<sup>161</sup> See above, p. 424.

<sup>162</sup> *Laws of Iowa*, 1852-1853, p. 29.

<sup>163</sup> *Code of Iowa*, 1851, Chapter 3, section 22.

As soon as the former act went into effect Risley County ceased to exist. When, therefore, the act under discussion went into force, as it probably did on July 1 following, there was no Risley County to be united to Yell in creating a new county to be called Webster. Indeed, there was no occasion for creating a county of that name since there was such an one in existence already. The actual effects of the later law, therefore, seem doubtful. The intention of the framers of these laws seems perfectly clear. They wished to unite Yell and Risley counties into one to be called Webster. They have been given credit for this on Map XII.

ACTS PASSED BY THE FIFTH GENERAL ASSEMBLY, 1854-1855

Two laws were passed by the Fifth General Assembly which affected county boundaries. The first of these, approved on January 24, 1855, altered the boundaries of Chickasaw, Howard, Mitchell, and Floyd counties.<sup>164</sup> This act detached from Chickasaw County and added to Howard one-half of the four northern townships of the former. Similarly it detached from Floyd County and added to Mitchell one-half of the four northern townships of Floyd. All acts or parts of acts conflicting were repealed. As a result of this law all four counties named in it received their permanent boundaries, and at the same time were rendered more nearly equal in size. (See Map XIII.)

The second law passed at this session of the legislature was approved on the same day, January 24, 1855.<sup>165</sup> It bore the title of "An Act to extend the boundaries of Kosuth county, and to locate the Seat of Justice thereof"; but this title was not adequate to the contents of the measure. By the terms of this act the counties of Bancroft and Humbolt were blotted out. Bancroft and the northern

<sup>164</sup> *Laws of Iowa*, 1854-1855, p. 185.

<sup>165</sup> *Laws of Iowa*, 1854-1855, p. 210.

half of Humbolt were added to Kossuth; while the southern half of Humbolt was added to the already over-large county of Webster. Thus the boundaries of Kossuth and Webster were enlarged but these boundaries were not to be permanent as will be seen later. (See Map XIII.)

ACTS PASSED BY THE SIXTH GENERAL ASSEMBLY

The Sixth General Assembly, like the Fifth, passed two laws bearing upon the subject of this paper. The first of these was approved on December 22, 1856, and went into force on January 8, 1857.<sup>166</sup> This act created a new county, to be called Hamilton, out of that part of Webster County which lay east of range 27 west. In size it was four townships square, having exactly the same boundaries as the former county of Risley. Its boundaries have remained permanent. (See Map XIV.)

The other act passed at this session was approved on January 28, 1857,<sup>167</sup> and went into force on February 26. It created the county of Humboldt between Wright and Pocahontas. To do this eight townships were taken from Kossuth and four from Webster County. The new Humboldt, as its boundaries were defined in the law, was four townships smaller than its predecessor of the same name.<sup>168</sup> It was also smaller than Wright and Pocahontas counties, its neighbors on the east and west. (See Map XIV.)

During the next session of the legislature an act explanatory of the one under discussion was passed.<sup>169</sup> In a preamble of two paragraphs it was claimed that the act of January 28, 1857, had originally created Humboldt County of a larger size, that is, four townships square. The pre-

<sup>166</sup> *Laws of Iowa*, 1856-1857, p. 11.

<sup>167</sup> *Laws of Iowa*, 1856-1857, p. 199.

<sup>168</sup> The name of its predecessor was spelled "Humbolt".

<sup>169</sup> Approved on March 11, 1858. See *Laws of Iowa*, 1858, p. 49.

amble claimed, further, that a mistake had been made when the act was printed in the public laws, whereby township 90 had been omitted, and also that the original of the bill had been lost. This being the situation the legislature passed a new act construing that of January 28, 1857, in such a way as to include township 90, ranges 27, 28, 29, and 30 in Humboldt County. The act even went farther and defined the boundaries of the county anew in such a way as clearly to include the territory in dispute. (See Map XV.)

Between the passage of the two laws just discussed the present Constitution of Iowa was declared in force.<sup>170</sup> It contained a provision to the effect that future laws altering county boundaries should be submitted to a vote of the people of the counties concerned and must be approved by them before going into effect.<sup>171</sup> The amendatory law of March 11, 1858, had not been submitted to the people for ratification. Consequently the Supreme Court of the State, by a decision handed down on December 4, 1860, in a case which had been appealed from the District Court of Webster County, declared the act of March 11, 1858, unconstitutional. The court held that this act did not relate back to the act of which it was amendatory; and as an independent act it was invalid because it had never been submitted to a vote of the people of the counties concerned.<sup>172</sup>

The result of this decision was to reduce Humboldt County in size to the dimensions which the act of January 28, 1857, had given it, whether as approved this act expressed the real intention of its framers or not. The county, however, should be considered as containing sixteen townships from March 11, 1858, the date of the approval of the amen-

<sup>170</sup> Declared in force September 3, 1857.

<sup>171</sup> See Article III, section 30.

<sup>172</sup> *Duncombe vs. Prindle*, 12 Iowa 1.



datory act, until the same was declared unconstitutional on December 4, 1860. (See Map XV.)

## LATER ACTS

By an act approved on March 22, 1858, the boundary line between Benton and Tama counties was redefined.<sup>173</sup> It was now declared plainly to be the line between ranges 12 and 13 west of the fifth principal meridian. This act corrected the error made in the act of February 17, 1843,<sup>174</sup> and gave to each county its present boundary. (See Map XV.)

The name of Buncombe County was changed to Lyon by a very brief act approved on September 11, 1862.<sup>175</sup>

The next two acts to be noticed were of a general character. The first provided a method for altering county boundaries; the second provided a method for changing the names of counties. The former was approved on April 2, 1862.<sup>176</sup> This act provided that in case the citizens of two or more counties desired an alteration of county boundary lines, they might petition their respective boards of supervisors to that effect. Upon receipt of petitions signed by more than one-half of the legal voters in each county the supervisors thereof were to order an election upon the changes in boundary lines suggested in the petitions. Such an election was to be held in each county concerned; and the proposed changes must be ratified in each before they could be made. When such changes are made the law provides further for the equitable settlement of taxes, debts, etc. Within three years this law was put into operation by Crawford and Monona counties. Pottawattamie County

<sup>173</sup> *Laws of Iowa*, 1858, p. 240.

<sup>174</sup> See above, p. 399.

<sup>175</sup> *Laws of Iowa*, (1862), extra session, p. 22.

<sup>176</sup> *Laws of Iowa*, 1862, p. 93.

also has voted twice upon the proposition of dividing into two counties.

The second general law was approved on March 28, 1864.<sup>177</sup> It was entitled "An Act authorizing counties to change their names." According to its provisions the board of supervisors of any county, after having received a petition signed by one-fifth of the legal voters praying for a change in the name of the county, shall submit the question to the people to be settled by ballot. The supervisors are empowered to select the new name to be voted upon as a substitute for the old. If the people vote for such a change, of course, the name of the county is altered. Since the enactment of this law no county in Iowa has changed its name according to its terms. If any county has attempted such alteration and failed, the fact has not come to the writer's attention.

#### ATTEMPTS TO CREATE THE ONE HUNDREDTH COUNTY

Several attempts have been made in recent years to add one to our present list of counties and thus increase the number to one hundred. By the terms of the first of these acts, approved May 13, 1870, the Thirteenth General Assembly created a new county to be called Crocker.<sup>178</sup> The act went into force on May 17th after publication in two designated newspapers.<sup>179</sup> The new county was carved out of the northern part of Kossuth County and lay directly between Winnebago and Emmet counties of which it was the same size. This made it four townships long from east to west and a little less than three townships wide from north to south (the northern tier of townships being not of full size). Its area was 408 square miles. (See Map XV.)

<sup>177</sup> *Laws of Iowa*, 1864, p. 109.

<sup>178</sup> *Laws of Iowa*, 1870, p. 239.

<sup>179</sup> See certification of Secretary of State at close of law.

In 1857 the present Constitution of Iowa was adopted and went into force. Article XI, section 2, which deals with counties reads as follows: "No county shall be hereafter created containing less than four hundred and thirty-two square miles; nor shall the territory of any organized county be reduced below that area; except the county of Worth, and the counties west of it along the northern boundary of this state, may be organized without additional territory." Some time after the erection of Crocker County a case at law was appealed from the court of a Justice of Peace in Crocker County to the Circuit Court of Emmet County from whence in turn it was again appealed to the Supreme Court of Iowa. The constitutionality of the act creating Crocker County was involved. The Supreme Court, reversing the decision of the lower court, held the act unconstitutional; and so the county of Crocker ceased to exist.<sup>180</sup> The decision was handed down on December 11, 1871. Since the act creating the county had gone into effect on May 11, 1870, the county may be said to have had an existence of a little over one year and a half. During this period an election had been held, county officers chosen, and the county organized with the town of Greenwood as its county seat. The territory of the temporary county of Crocker reverted to Kossuth upon the rendition of the decision mentioned above. The area of Crocker was identical with that of the former county of Bancroft created by act of 1851 and blotted out in January, 1855, before it had ever been organized.<sup>181</sup>

By an act approved on March 10, 1874, the Fifteenth General Assembly made an attempt to create a new county to be called Belknap.<sup>182</sup> This time it was Pottawattamie

<sup>180</sup> *Garfield vs. Brayton*, 33 Iowa 16.

<sup>181</sup> See above, p. 427.

<sup>182</sup> *Laws of Iowa*, 1874, (Private, Local, and Temporary) p. 19.

County which was to be divided. The line separating ranges 41 and 42 west was to be the dividing line between the two counties. The western division was to retain the name of Pottawattamie County; the eastern was to become Belknap County. (See Map XV.)

Pottawattamie County had an area of 876 square miles. The division above mentioned gave to Belknap County twelve townships or an area of 432 square miles, leaving Pottawattamie County a little larger with 444 square miles. By this arrangement both of the new counties would have fulfilled the requirements of the Constitution as regards size.<sup>183</sup>

Section three of the act submitted the whole question of dividing Pottawattamie County and establishing the new county of Belknap to the voters of the former. At the general election held on October 13, 1874, the proposition was voted down by a majority of 308 votes—1250 for and 1558 against.<sup>184</sup> The proposed county of Belknap never had any existence, therefore, since the act was to take effect only after the Governor should have declared by proclamation that the people of Pottawattamie County had voted in favor of the proposition.<sup>185</sup>

Two years later by an act approved on March 17, 1876, another attempt was made to carve a new county out of Pottawattamie.<sup>186</sup> This time the new county was given the name of Grimes. (See Map XV.) It was exactly co-extensive with the proposed county of Belknap just discussed; indeed, the two laws are almost identically the same with the exception of a change in the name to be

<sup>183</sup> See Constitution of Iowa, Article XI, section 2.

<sup>184</sup> The writer is indebted for these figures to Mr. W. C. Cheyne, Auditor of Pottawattamie County.

<sup>185</sup> See section 5 of the act.

<sup>186</sup> *Laws of Iowa*, 1876, p. 156.



given the new county. Again the question was submitted to the people, and at the general election held on November 7, 1876, it was again voted down, this time by a majority of 803 votes—1848 for and 2651 against.<sup>184</sup> Grimes County like Belknap never really came into existence.

The Eighteenth General Assembly passed an act approved on March 7, 1880,<sup>187</sup> which would have altered the boundaries of three counties if it had been ratified by the voters of the counties concerned. The object of the law was to throw the unincorporated town of Sheldahl into Story County. This town was partly in Story County but also partly in Boone and Polk counties. It seemed best that the town should be all in one county. To this end the act sought to transfer the necessary territory from Boone and Polk counties to Story. The amount of territory in question was very small indeed. The law further provided for the submission of the question of the new boundary to the voters of each of the three counties.

#### DEFECTIVE BOUNDARIES

Map XVI accompanying this paper shows the map of the counties of Iowa as they exist in 1908. The red lines indicate defective boundaries. Throughout the paper errors in county boundaries have been pointed out, but a special effort has been made to call attention to the correction of them when the mistakes were righted.

In the cases of seven counties these errors were never corrected, but their boundaries remain defective today. The counties thus affected are Jefferson, Wapello, Buchanan, Black Hawk, Cass, Grundy, and Woodbury. Four of the cases in question date back to the act of February 17, 1843. The boundaries left defective by this law, and which still remain imperfect, are the western boundaries of Bu-

<sup>187</sup> *Laws of Iowa*, 1880, p. 191.

chanan<sup>188</sup> and Jefferson<sup>189</sup> counties, and the eastern boundaries of Black Hawk<sup>188</sup> and Wapello<sup>189</sup> counties. All the points involved in these four cases have been carefully discussed above and need not be repeated here.

The three other cases of defective boundaries date back to the act of January 15, 1851. In each case the incorrect location of a corner made two boundaries defective. In the definition of the boundaries of Cass County an error was made in the location of the southwest corner. This made the western and southern boundaries of the county defective.<sup>190</sup> In the case of Woodbury County it was the southeastern corner which was incorrectly located leaving the southern and eastern boundaries defective.<sup>191</sup> In respect to Grundy County the defective corner was the one corresponding to the northwestern corner of Tama County, and the boundaries affected are shown on the map.<sup>192</sup>

It would be a very simple matter for the State legislature at some future session to correct these defective boundaries and it might save considerable trouble, aside from the pride which the State ought to feel in having its counties correctly bounded.

TABLE I

## PRESENT COUNTIES OF IOWA

COUNTY	ESTABLISHED	RECEIVED		REMARKS
		PRESENT BOUNDARIES		
Adair	Jan. 15, 1851	Jan. 15, 1851		
Adams	Jan. 15, 1851	Jan. 15, 1851		
Allamakee	Feb. 20, 1847	Feb. 20, 1847		

<sup>188</sup> For a full discussion of the defective boundary between Buchanan and Black Hawk counties see above, pp. 401, 402.

<sup>189</sup> For a full discussion of the defective boundary between Jefferson and Wapello counties see above, pp. 400, 402.

<sup>190</sup> See also above, p. 420.

<sup>191</sup> See also above, p. 420.

<sup>192</sup> See also above, p. 420.

# 436 IOWA JOURNAL OF HISTORY AND POLITICS

COUNTY	ESTABLISHED	RECEIVED		REMARKS
		PRESENT	BOUNDARIES	
Appanoose	Feb. 17, 1843	Feb. 17, 1843		
Audubon	Jan. 15, 1851	Feb. 5, 1851		
Benton	Dec. 21, 1837	Mar. 22, 1858	{ Defective 1843	Feb. 17,
Black Hawk	Feb. 17, 1843	Feb. 17, 1843		Boundaries defective
Boone	Jan. 13, 1846	Jan. 13, 1846		
Bremer	Jan. 15, 1851	Jan. 15, 1851		
Buchanan	Dec. 21, 1837	Feb. 17, 1843	{ Reduced by establish- ment of Black Hawk. Defective	
Buena Vista	Jan. 15, 1851	Jan. 15, 1851		
Butler	Jan. 15, 1851	Jan. 15, 1851		
Calhoun	Jan. 15, 1851	Jan. 15, 1851		
Carroll	Jan. 15, 1851	Jan. 15, 1851		
Cass	Jan. 15, 1851	Jan. 15, 1851		Boundaries defective
Cedar	Dec. 21, 1837	Dec. 21, 1837		
Cerro Gordo	Jan. 15, 1851	Jan. 15, 1851		
Cherokee	Jan. 15, 1851	Jan. 15, 1851		
Chickasaw	Jan. 15, 1851	Jan. 24, 1855		
Clarke	Jan. 13, 1846	Dec. 27, 1848		
Clay	Jan. 15, 1851	Jan. 15, 1851		
Clayton	Dec. 21, 1837	Feb. 3, 1847		
Clinton	Dec. 21, 1837	Dec. 21, 1837		
Crawford	Jan. 15, 1851	1865	{ Fixed by vote of the people	
Dallas	Jan. 13, 1846	Feb. 5, 1851		
Davis	Feb. 17, 1843	Feb. 15, 1844		
Decatur	Jan. 13, 1846	Jan. 13, 1846		
Delaware	Dec. 21, 1837	Dec. 21, 1837		
Des Moines	Sept. 6, 1834	Jan. 23, 1839		
Dickinson	Jan. 15, 1851	Jan. 15, 1851		
Dubuque	Sept. 6, 1834	Dec. 21, 1837		
Emmet	Jan. 15, 1851	Jan. 15, 1851		
Fayette	Dec. 21, 1837	Feb. 3, 1847		
Floyd	Jan. 15, 1851	Jan. 24, 1855		
Franklin	Jan. 15, 1851	Jan. 15, 1851		
Fremont	Feb. 24, 1847	Feb. 24, 1847		
Greene	Jan. 15, 1851	Jan. 15, 1851		
Grundy	Jan. 15, 1851	Jan. 15, 1851		Boundaries defective
Guthrie	Jan. 15, 1851	Feb. 5, 1851		
Hamilton	Dec. 22, 1856	Dec. 22, 1856		
Hancock	Jan. 15, 1851	Jan. 15, 1851		

# ESTABLISHMENT OF COUNTIES IN IOWA 437

COUNTY	ESTABLISHED	RECEIVED		REMARKS
		PRESENT BOUNDARIES		
Hardin	Jan. 15, 1851	Jan. 15, 1851		
Harrison	Jan. 15, 1851	Jan. 15, 1851		
Henry	Dec. 7, 1836	Jan. 21, 1839		
Howard	Jan. 15, 1851	Jan. 24, 1855		
Humboldt	Jan. 28, 1857	Jan. 28, 1857		
Ida	Jan. 15, 1851	Jan. 15, 1851		
Iowa	Feb. 17, 1843	Feb. 17, 1843		
Jackson	Dec. 21, 1837	Dec. 21, 1837		
Jasper	Jan. 13, 1846	Jan. 17, 1846		{ Date of establishment ignoring creation of Wapello Feb. 17, 1843 Boundaries defective
Jefferson	Jan. 21, 1839	Jan. 21, 1839		
Johnson	Dec. 21, 1837	June 5, 1845		
Jones	Dec. 21, 1837	Dec. 21, 1837		
Keokuk	Dec. 21, 1837	Feb. 17, 1843		{ Date of decision of the Supreme Court blotting out Crocker County. Otherwise Jan. 28, 1857
Kossuth	Jan. 15, 1851	Dec. 11, 1871		
Lee	Dec. 7, 1836	Jan. 23, 1839		
Linn	Dec. 21, 1837	Dec. 21, 1837		
Louisa	Dec. 7, 1836	Jan. 12, 1839		
Lucas	Jan. 13, 1846	Dec. 27, 1848		
Lyon	Jan. 15, 1851	Jan. 15, 1851		
Madison	Jan. 13, 1846	Jan. 13, 1846		
Mahaska	Feb. 17, 1843	Feb. 17, 1843		
Marion	June 10, 1845	Jan. 27, 1847		
Marshall	Jan. 13, 1846	Jan. 13, 1846		
Mills	Jan. 15, 1851	Jan. 15, 1851		
Mitchell	Jan. 15, 1851	Jan. 24, 1855		
Monona	Jan. 15, 1851	1865		{ Fixed by vote of the people
Monroe	Feb. 17, 1843	Feb. 17, 1843		
Montgomery	Jan. 15, 1851	Jan. 15, 1851		
Muscatine	Dec. 7, 1836	Jan. 18, 1838		
O'Brien	Jan. 15, 1851	Jan. 15, 1851		
Osceola	Jan. 15, 1851	Jan. 15, 1851		
Page	Feb. 24, 1847	Feb. 24, 1847		
Palo Alto	Jan. 15, 1851	Jan. 15, 1851		
Plymouth	Jan. 15, 1851	Jan. 15, 1851		
Pocahontas	Jan. 15, 1851	Jan. 15, 1851		
Polk	Jan. 13, 1846	Jan. 14, 1853		
Pottawattamie	Feb. 24, 1847	Jan. 15, 1851		
Poweshiek	Feb. 17, 1843	Feb. 17, 1843		



# 438 IOWA JOURNAL OF HISTORY AND POLITICS

COUNTY	ESTABLISHED	RECEIVED		REMARKS
		PRESENT BOUNDARIES		
Ringgold	Feb. 24, 1847	Feb. 24, 1847		
Sac	Jan. 15, 1851	Jan. 15, 1851		
Scott	Dec. 21, 1837	Dec. 21, 1837		
Shelby	Jan. 15, 1851	Jan. 15, 1851		
Sioux	Jan. 15, 1851	Jan. 15, 1851		
Story	Jan. 13, 1846	Jan. 13, 1846		
Tama	Feb. 17, 1843	Mar. 22, 1858	{ Defective 1843	Feb. 17,
Taylor	Feb. 24, 1847	Feb. 24, 1847		
Union	Jan. 15, 1851	Jan. 15, 1851		
Van Buren	Dec. 7, 1836	Jan. 18, 1838		
Wapello	Feb. 17, 1843	Feb. 17, 1843		Defective
Warren	Jan. 13, 1846	Jan. 14, 1853		
Washington	Jan. 18, 1838	June 5, 1845		
Wayne	Jan. 13, 1846	Jan. 13, 1846		
Webster	Jan. 22, 1853	Jan. 28, 1857		
Winnebago	Jan. 15, 1851	Jan. 15, 1851		
Winneshiek	Feb. 20, 1847	Feb. 20, 1847		
Woodbury	Jan. 15, 1851	Jan. 15, 1851		Defective
Worth	Jan. 15, 1851	Jan. 15, 1851		
Wright	Jan. 15, 1851	Jan. 15, 1851		

TABLE II

## COUNTIES BLOTTED OUT

COUNTY	ESTABLISHED	BLOTTED OUT	REMARKS
Cook	Dec. 7, 1836	Jan. 18, 1838	By statute
Risley <sup>1</sup>	Jan. 15, 1851	Jan. 22, 1853	By statute
Yell	Jan. 15, 1851	Jan. 22, 1853	By statute
Bancroft	Jan. 15, 1851	Jan. 24, 1855	By statute
Humbolt	Jan. 15, 1851	Jan. 24, 1855	By statute
Crocker	May 13, 1870	Dec. 11, 1871	{ By decision of Su- preme Court

TABLE III

## TEMPORARY COUNTIES

COUNTY	ESTABLISHED	REDUCED IN SIZE	REMARKS
Demoiné	Sept. 6, 1834	Dec. 7, 1836	By statute
Dubuque	Sept. 6, 1834	Dec. 21, 1837	By statute

<sup>1</sup> Name had been changed to Webster before it was blotted out.

# ESTABLISHMENT OF COUNTIES IN IOWA 439

COUNTY	ESTABLISHED	REDUCED IN SIZE	REMARKS
Fayette	Dec. 21, 1837	Feb. 5, 1847	By statute
Buchanan	Dec. 21, 1837	Feb. 17, 1843	Indirectly by establishment of Black Hawk County By statute
Benton	Dec. 21, 1837	Feb. 17, 1843	
Keokuk	Dec. 21, 1837	Feb. 17, 1843	
Pottawatomie	Feb. 24, 1847	Jan. 15, 1851	By statute

TABLE IV

## PROPOSED COUNTIES

COUNTY	PROPOSED BY LEGISLATURE	VOTED DOWN BY PEOPLE	REMARKS
Madison	Feb. 15, 1844		
Belknap	Mar. 10, 1874	Oct. 13, 1874	Vote 1250 for, 1558 against Vote 1848 for, 2651 against
Grimes	Mar. 17, 1876	Nov. 7, 1876	

TABLE V

## COUNTIES WHICH HAVE HAD THEIR NAMES CHANGED

FORMER NAME	ESTABLISHED	PRESENT NAME	DATE OF CHANGE
Slaughter	Jan. 18, 1838	Washington	Jan. 25, 1839
Kishkekosh	Feb. 17, 1843	Monroe	Jan. 19, 1846
Fox	Jan. 15, 1851	Calhoun	Jan. 12, 1853
Risley	Jan. 15, 1851	Webster	Jan. 12, 1853
Wahkaw	Jan. 15, 1851	Woodbury	Jan. 12, 1853
Buncombe	Jan. 15, 1851	Lyon	Sept. 11, 1862

## INDIAN LAND CESSIONS IN IOWA

July 15, 1830. The Sacs and Foxes, Omahas, Iowas, Otoes, Missouris, and the Medewakanton, Wahpekuta, Wahpeton, and Sisseton bands of the Sioux ceded all their claims to western Iowa, comprising a fourth of the future State.

July 15, 1830. The Sacs and Foxes ceded a strip twenty miles wide just south of the boundary line drawn on August 19, 1825.

July 15, 1830. The Medewakanton, Wahpekuta, Wahpeton and Sisseton bands of the Sioux ceded a strip twenty miles wide located just north of the same line. These two

cessions extended from Allamakee and Winneshiek counties to the Des Moines river in Humboldt County, and constituted what came to be called the neutral strip.

September 21, 1832. The Sacs and Foxes ceded the Black Hawk Purchase. This cession was on the Mississippi River extending westward about fifty miles. It reached northward only to the south boundary of the Sac and Fox cessions of July 15, 1850. Keokuk was given a reservation of 400 square miles on the Iowa River.

September 28, 1836. Sacs and Foxes ceded Keokuk's Reservation.

October 21, 1837. The Sacs and Foxes ceded a triangular strip of 1,500,000 acres just west of the Black Hawk Purchase.

October 11, 1842. The Sacs and Foxes ceded the central and southern parts of the state. This area extended from the first cession of July 15, 1830, on the west, to that of October 21, 1837, on the east; and from the second cession of July 15, 1830, on the north, to the Missouri line.

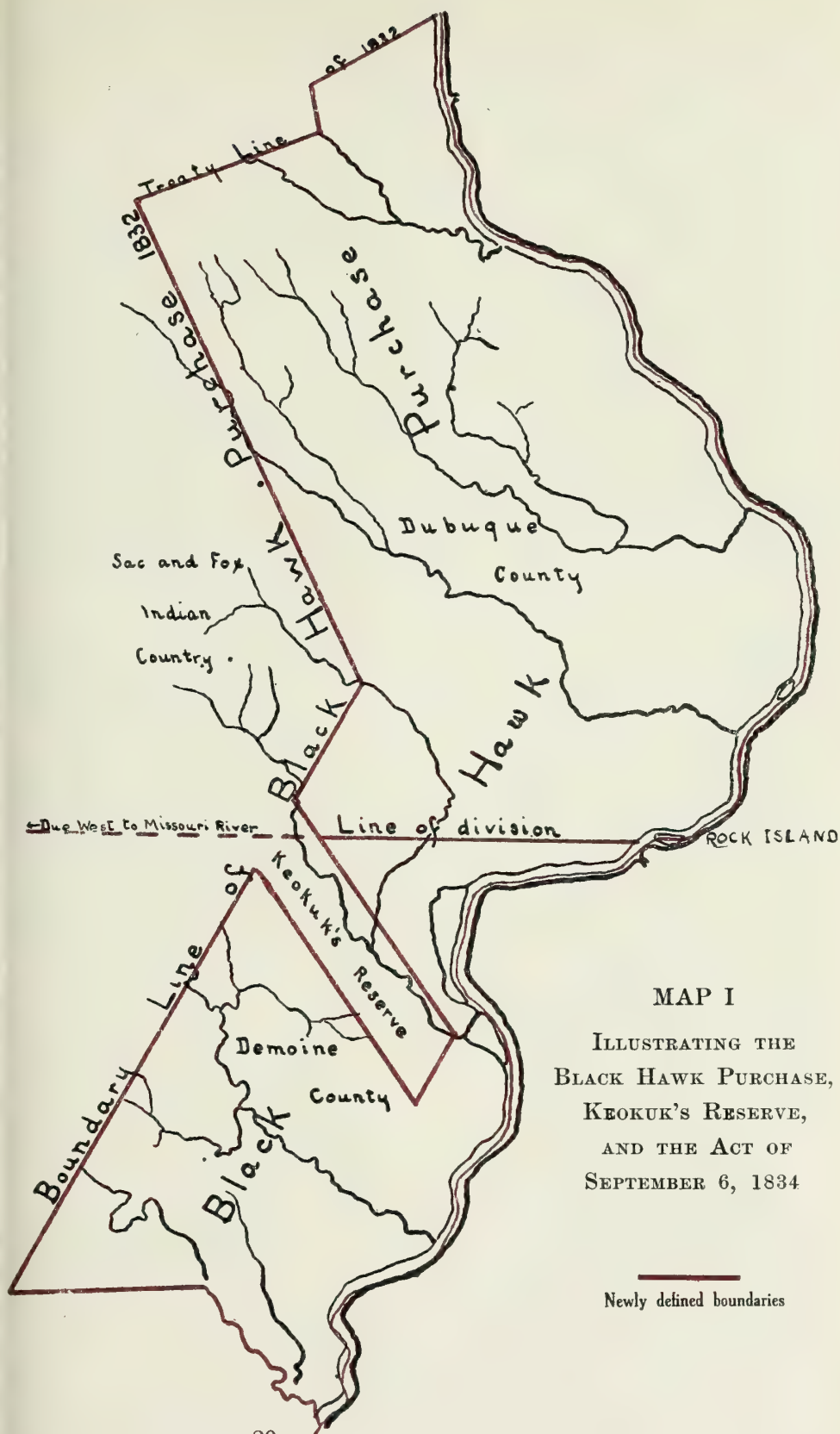
June 5 and 17, 1846. The Pottawattamie nation ceded all claims to lands in Iowa. This session comprised the southern part of the first cession of July 15, 1830, which had been granted to the Pottawattamie nation as a reservation Sept. 26, 1833.

October 13, 1846. The Winnebagoes ceded all their claims to a reservation granted them Sept. 15, 1832. It constituted that part of the neutral strip which lay east of the easternmost branch of the Cedar River.

July 23 and August 5, 1851. The various tribes of the Sioux nation ceded all their claims to the northwestern corner and to the north-central part of the State.

FRANK HARMON GARVER

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY



MAP I  
 ILLUSTRATING THE  
 BLACK HAWK PURCHASE,  
 KEOKUK'S RESERVE,  
 AND THE ACT OF  
 SEPTEMBER 6, 1834

—  
 Newly defined boundaries

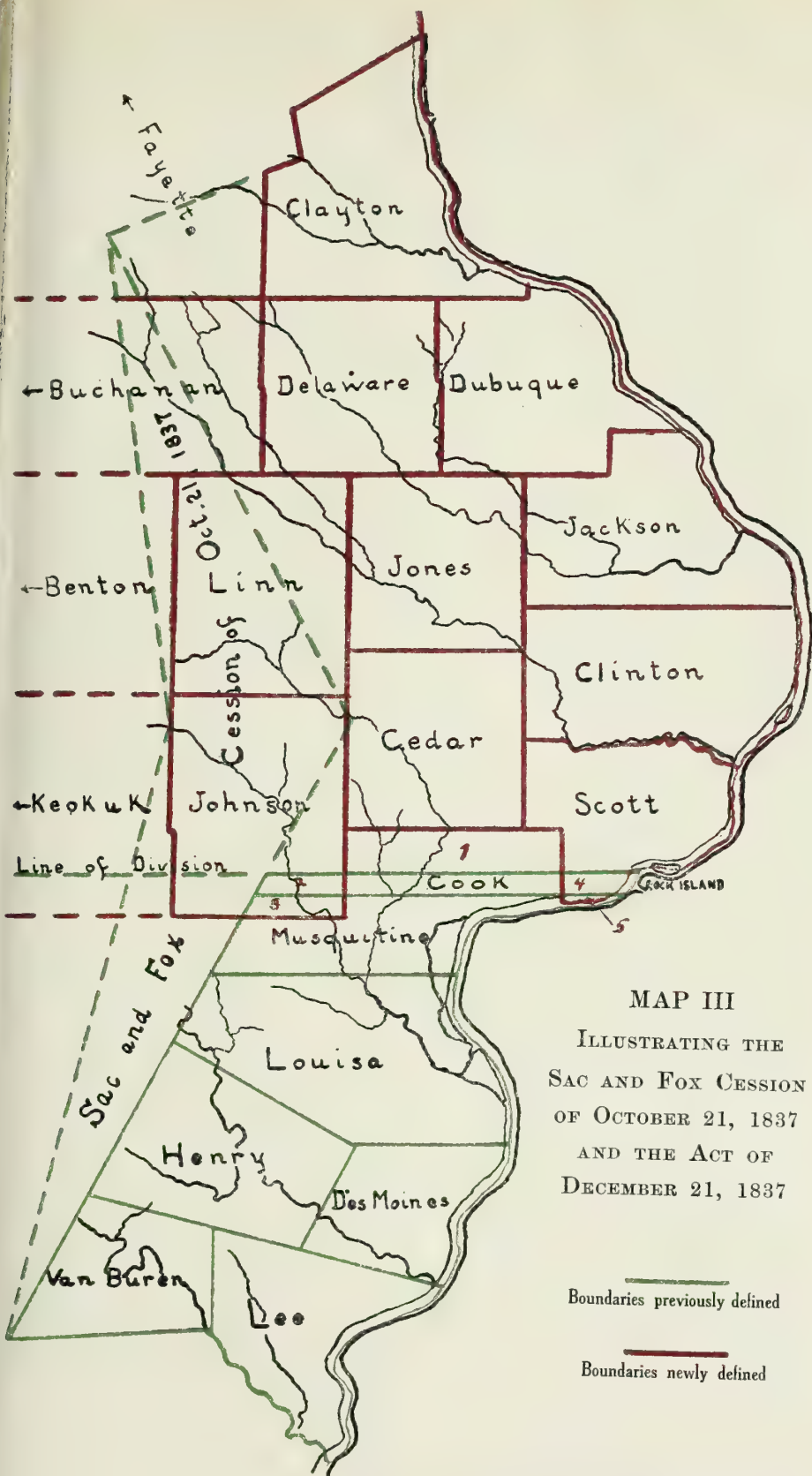




MAP II  
ILLUSTRATING THE  
ACT OF  
DECEMBER 7, 1836

Boundaries previously defined

Boundaries newly defined

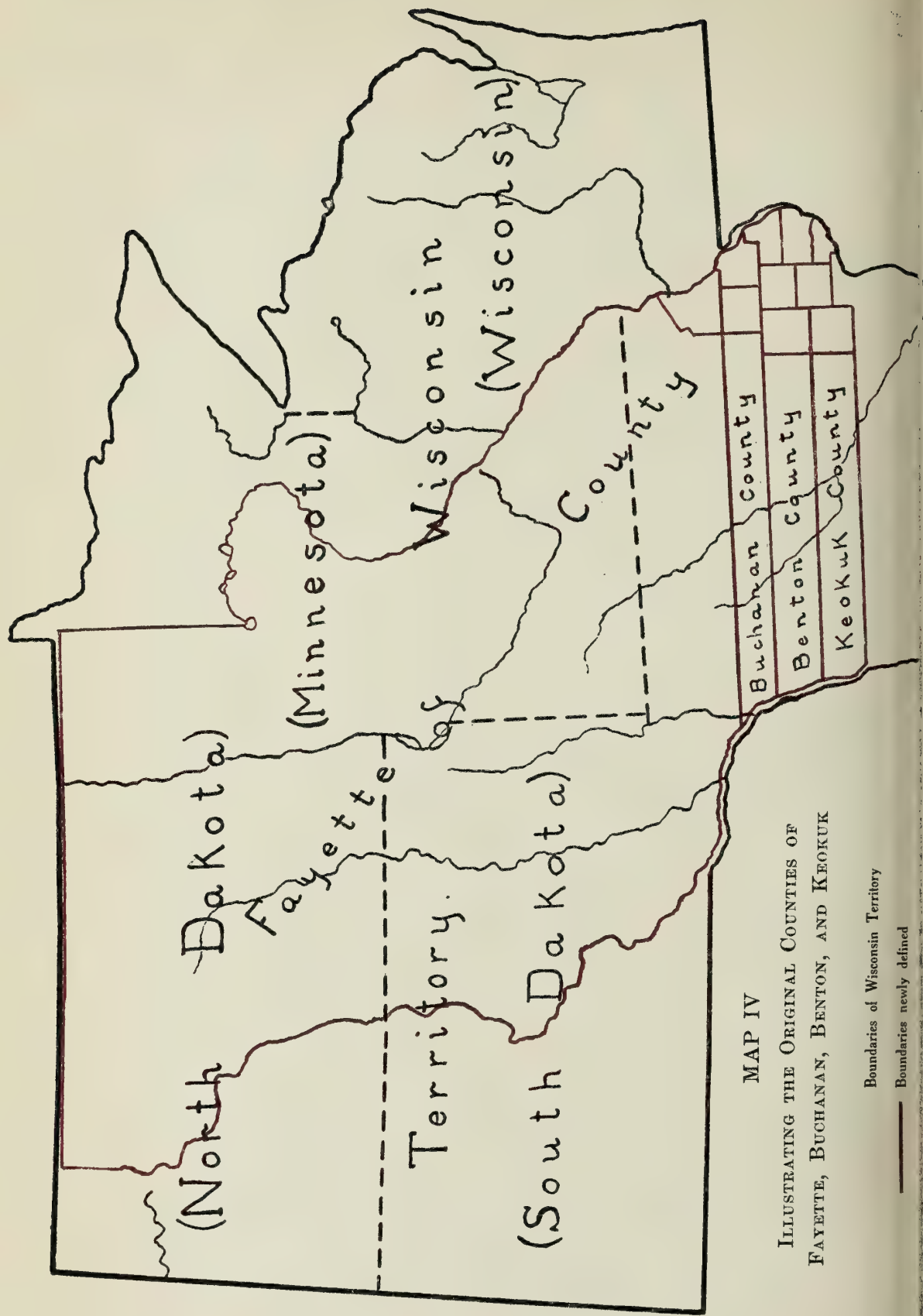


### MAP III

ILLUSTRATING THE  
SAC AND FOX CESSION  
OF OCTOBER 21, 1837  
AND THE ACT OF  
DECEMBER 21, 1837

Boundaries previously defined

Boundaries newly defined

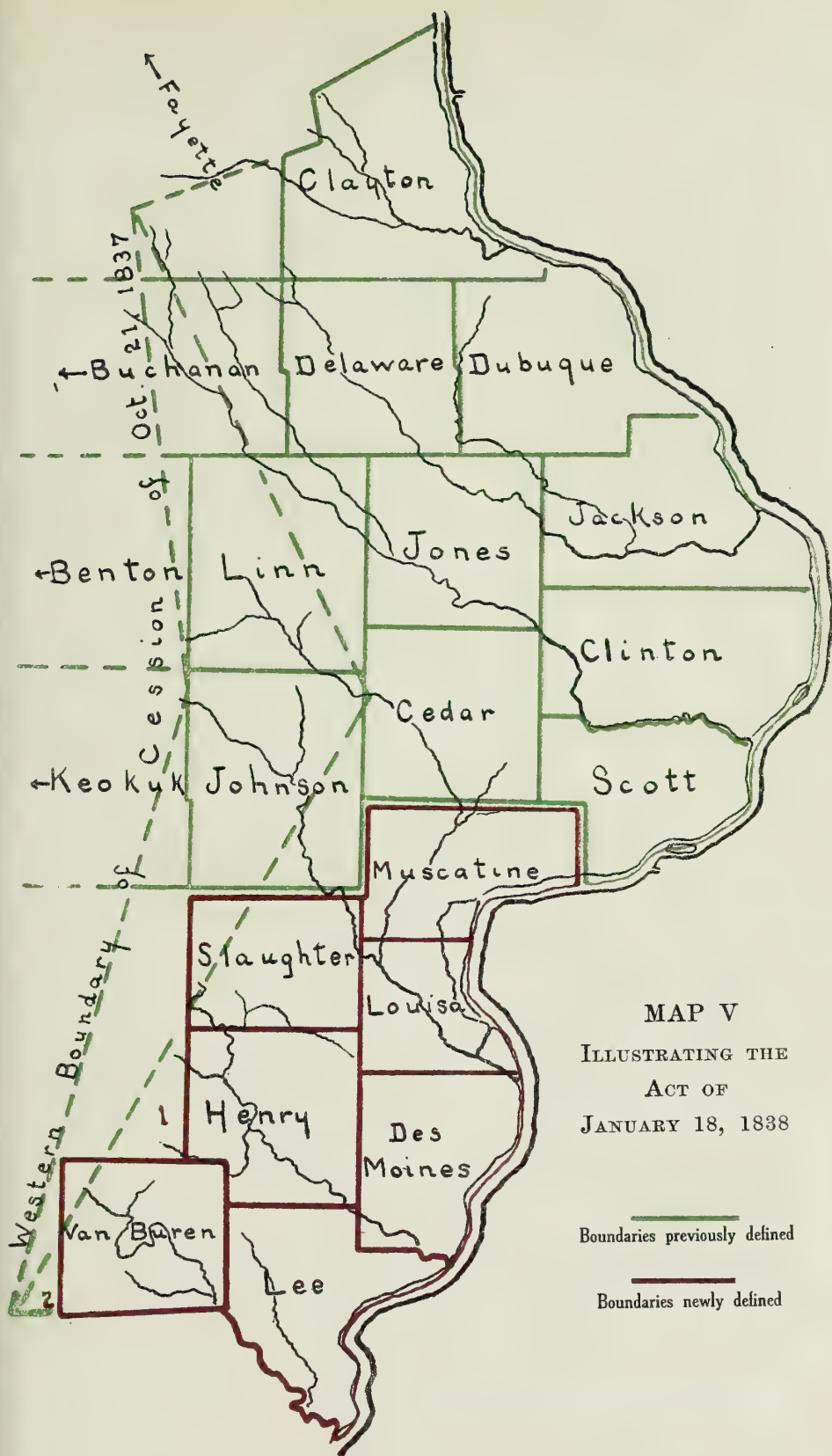


MAP IV

ILLUSTRATING THE ORIGINAL COUNTIES OF  
FAYETTE, BUCHANAN, BENTON, AND KEOKUK

Boundaries of Wisconsin Territory

Boundaries newly defined

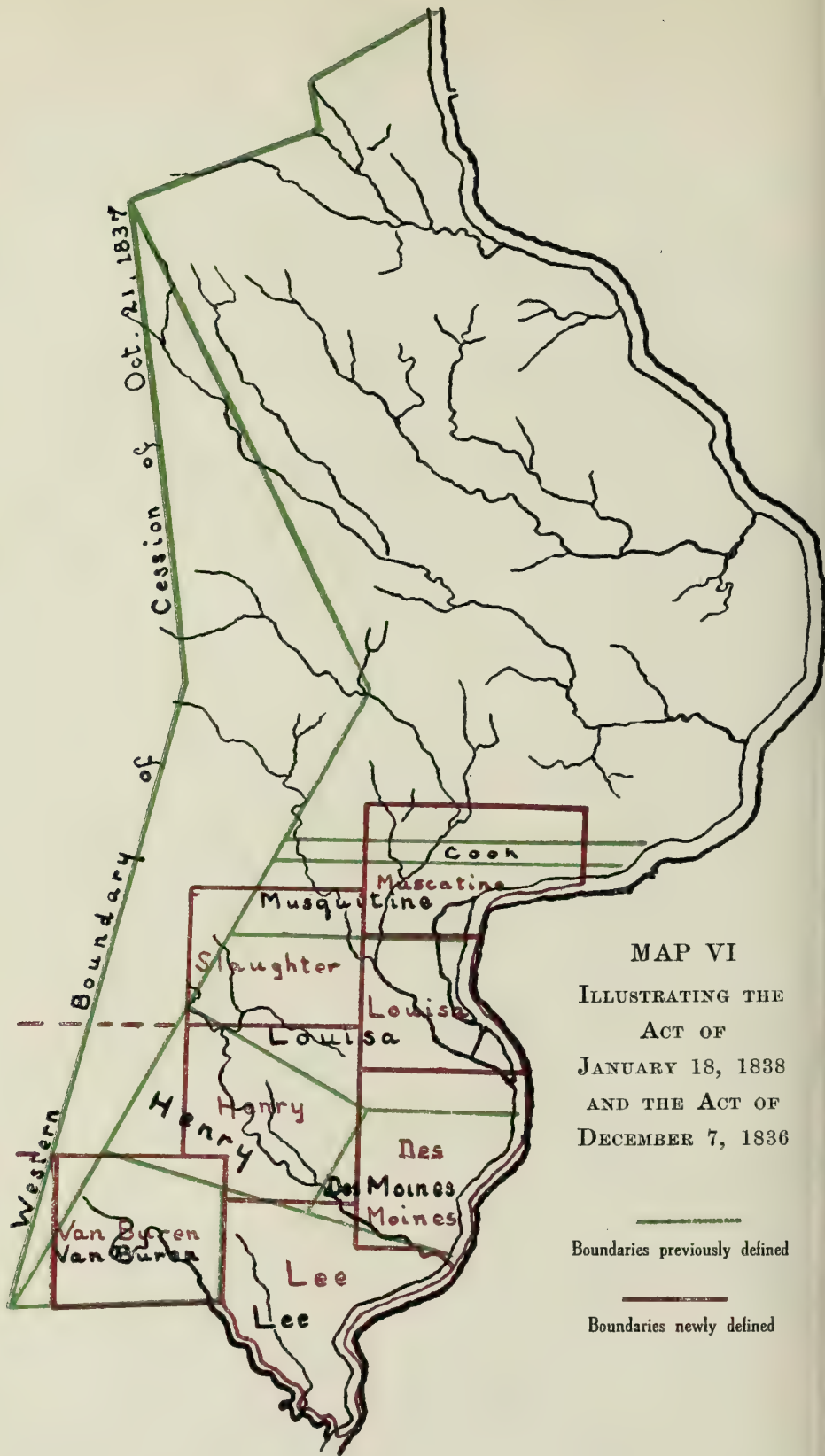


MAP V  
ILLUSTRATING THE  
ACT OF  
JANUARY 18, 1838

Boundaries previously defined

Boundaries newly defined

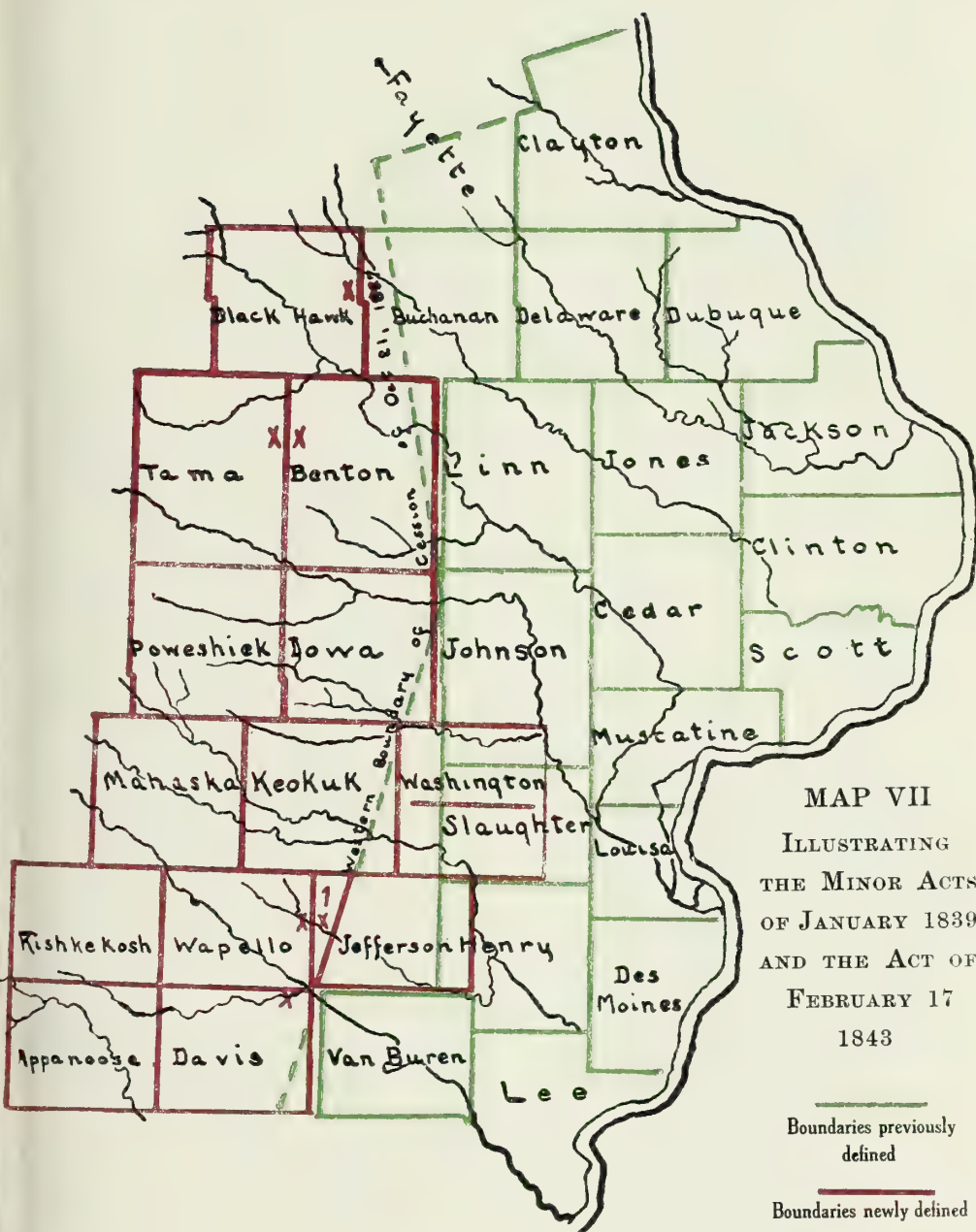




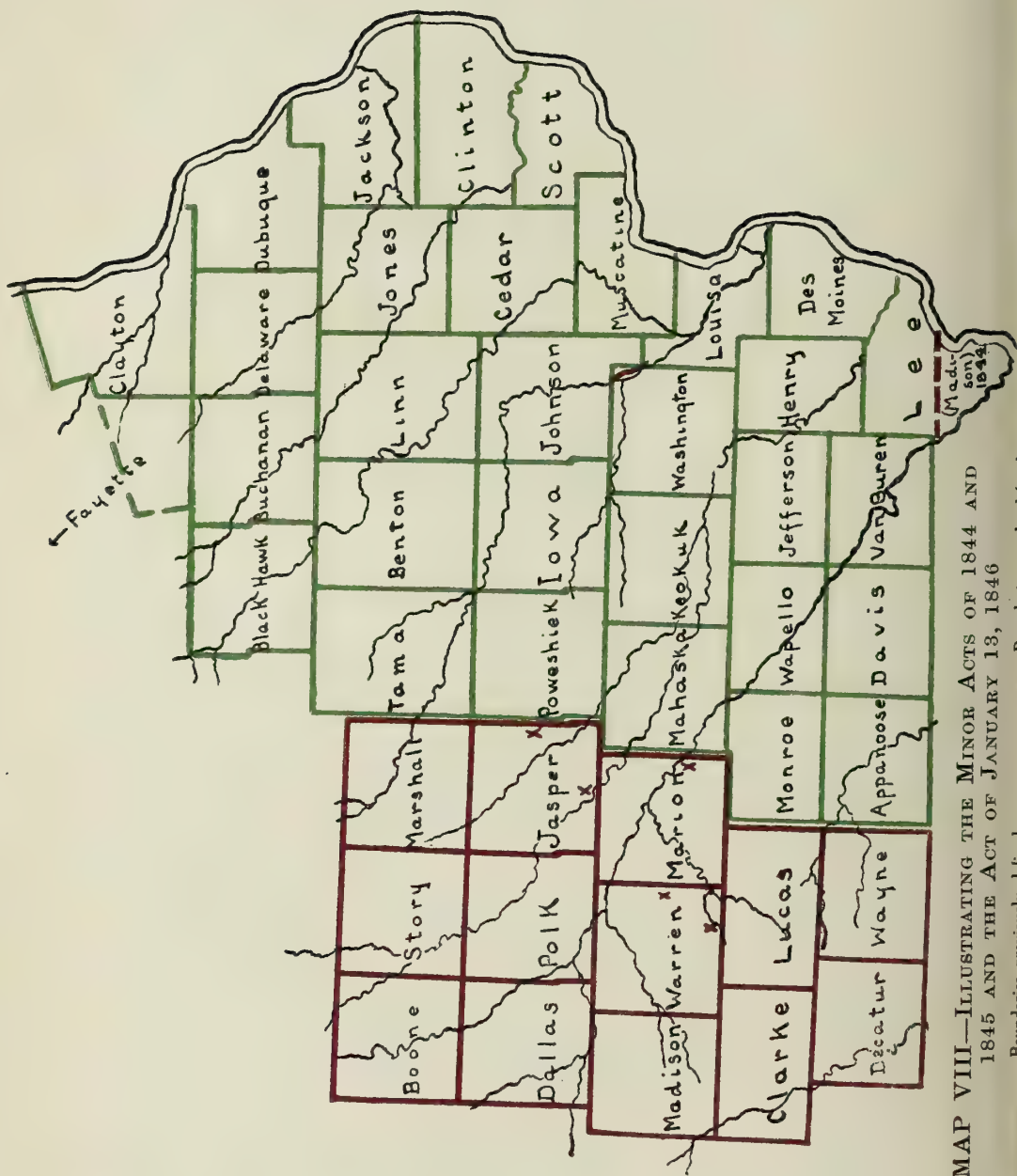
MAP VI  
ILLUSTRATING THE  
ACT OF  
JANUARY 18, 1838  
AND THE ACT OF  
DECEMBER 7, 1836

Boundaries previously defined

Boundaries newly defined



MAP VII  
 ILLUSTRATING  
 THE MINOR ACTS  
 OF JANUARY 1839  
 AND THE ACT OF  
 FEBRUARY 17  
 1843

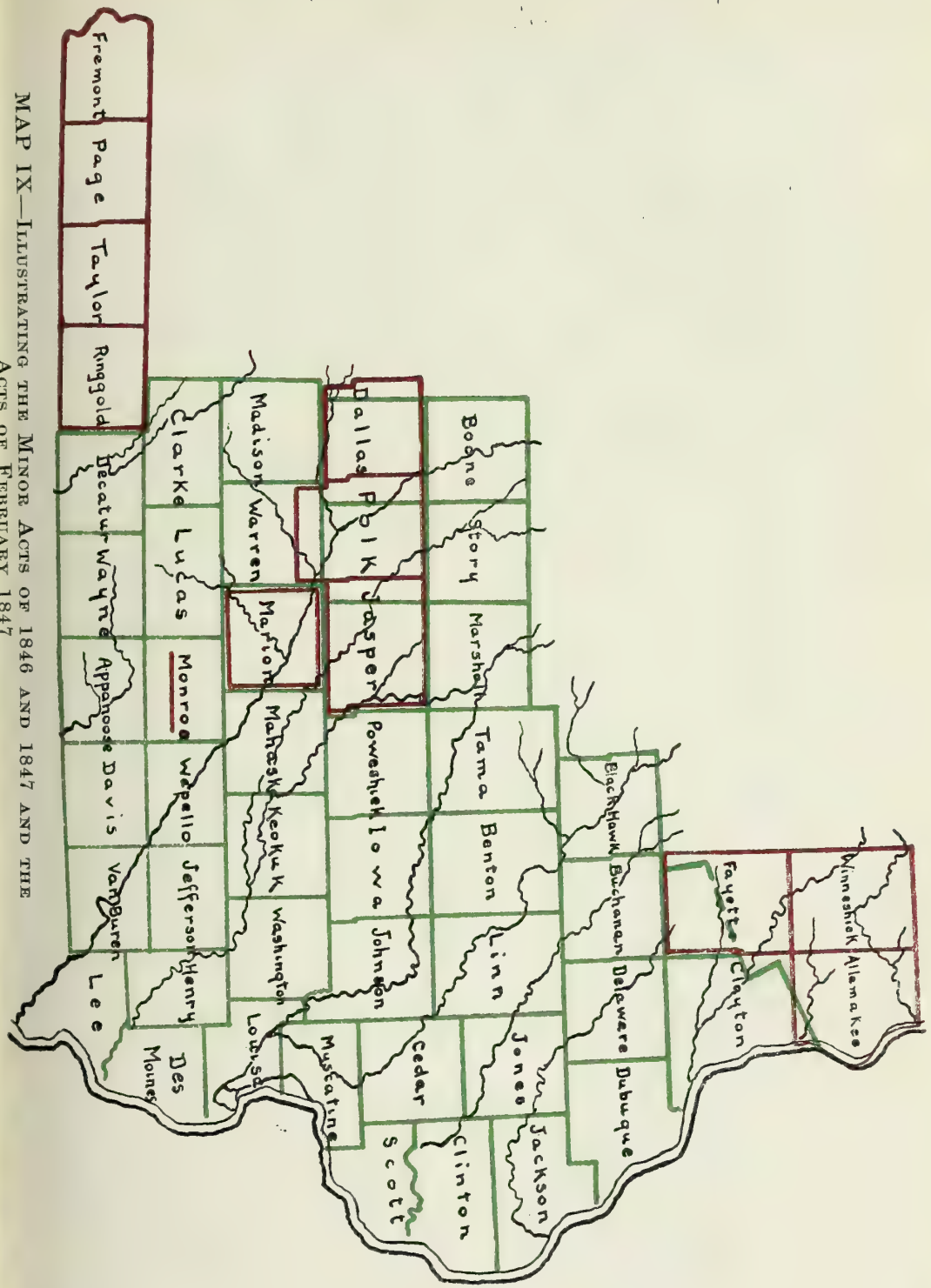


MAP VIII.—ILLUSTRATING THE MINOR ACTS OF 1844 AND 1845 AND THE ACT OF JANUARY 13, 1845

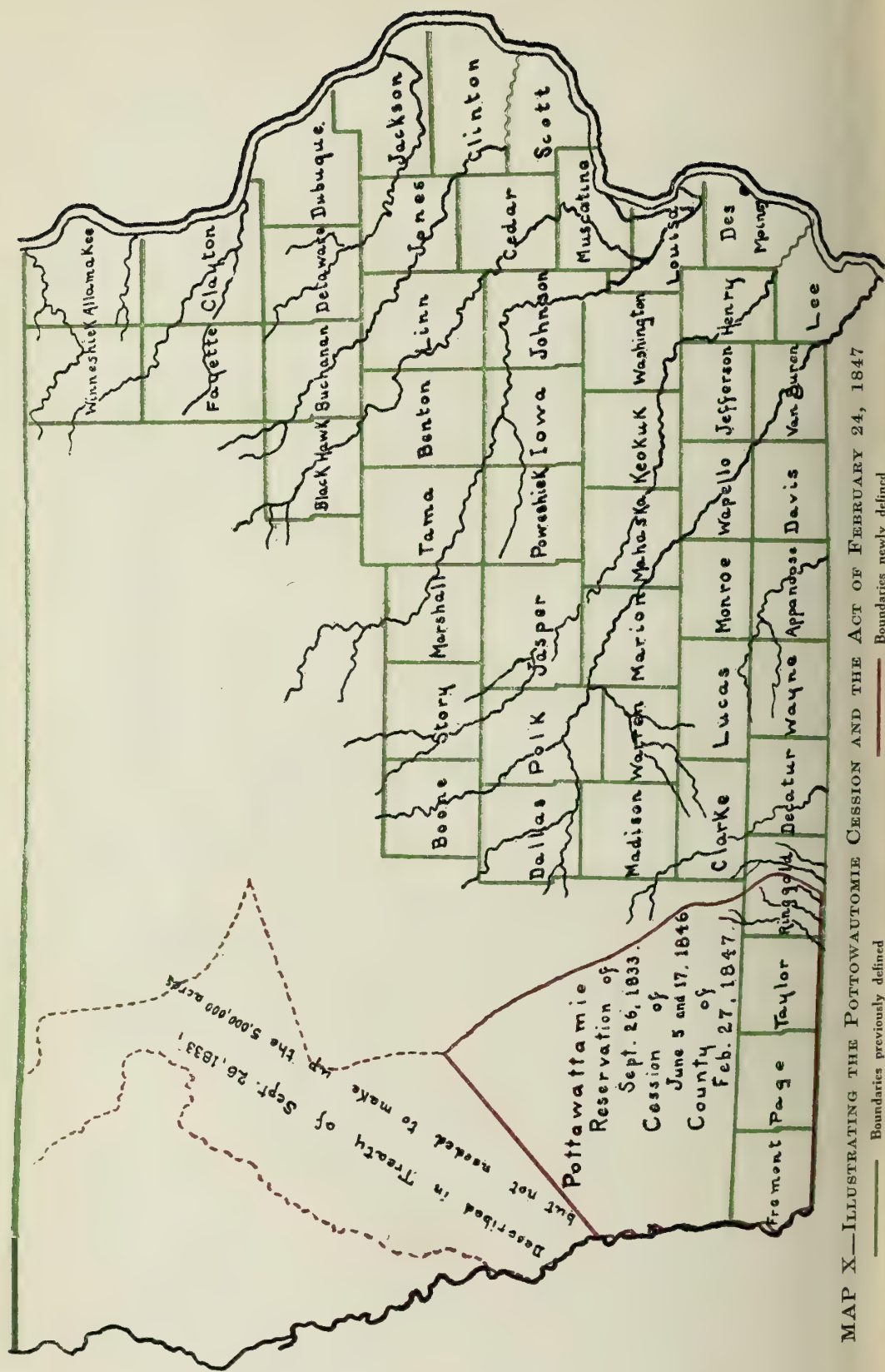
Boundaries previously defined

Boundaries newly defined

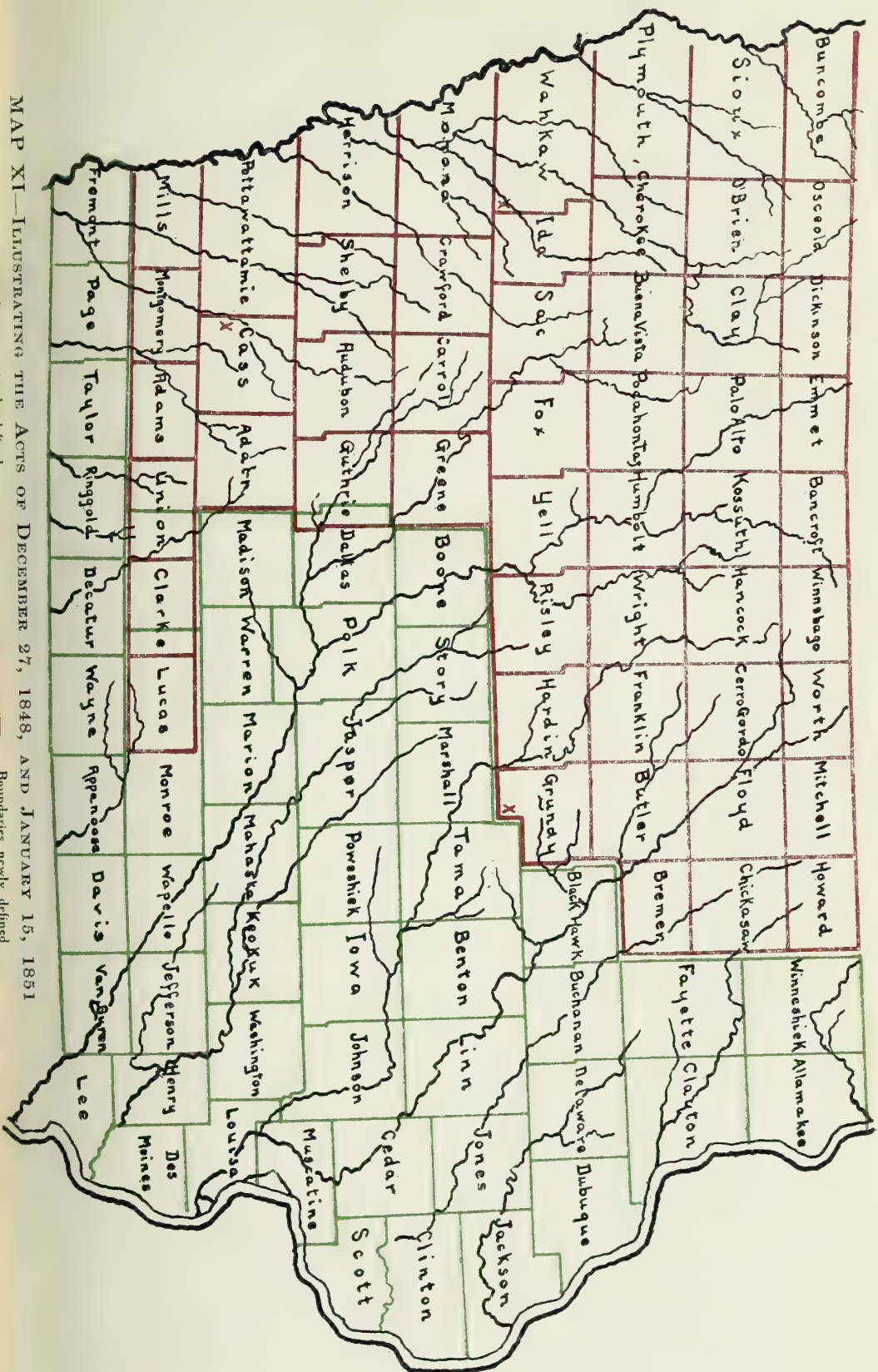
MAP IX—ILLUSTRATING THE MINOR ACTS OF 1846 AND 1847 AND THE ACTS OF FEBRUARY 1847







MAP X—ILLUSTRATING THE POTTOWATTOMIE CESSION AND THE ACT OF FEBRUARY 24, 1847



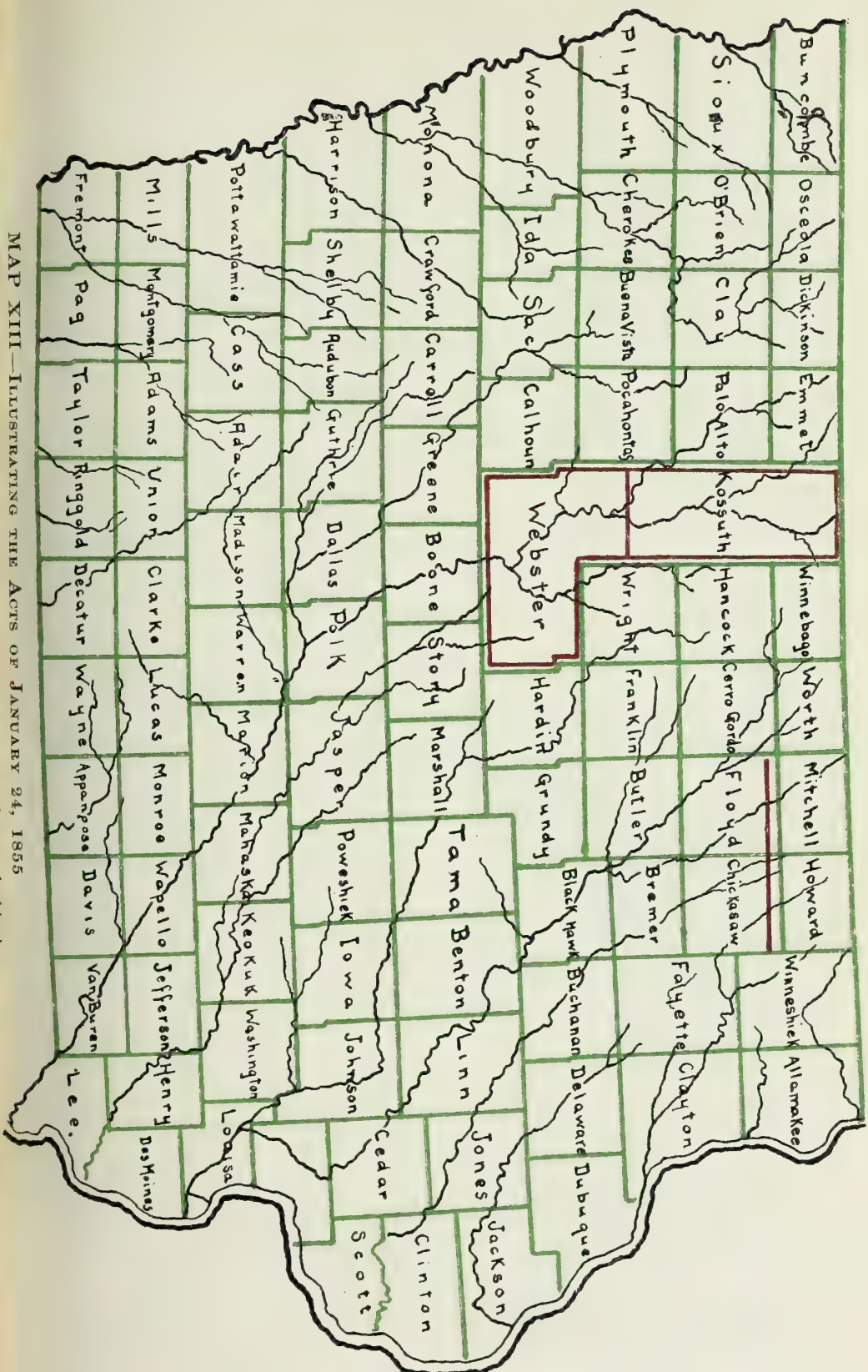
MAP XI—ILLUSTRATING THE ACTS OF DECEMBER 27, 1848, AND JANUARY 15, 1851

### Boundaries previously defined

## Boundaries newly defined





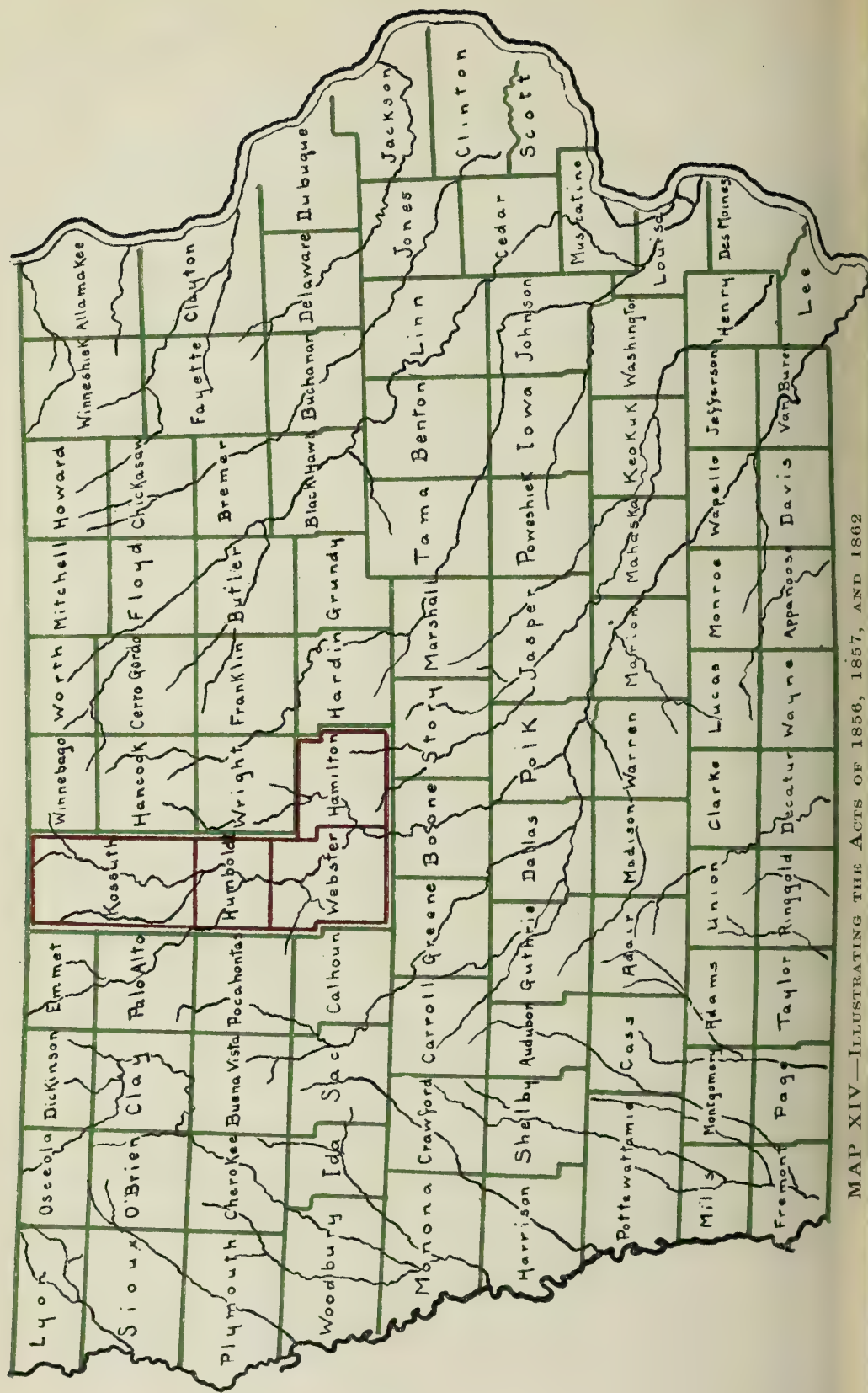


MAP XIII—ILLUSTRATING THE ACTS OF JANUARY 24, 1855

Boundaries previously defined

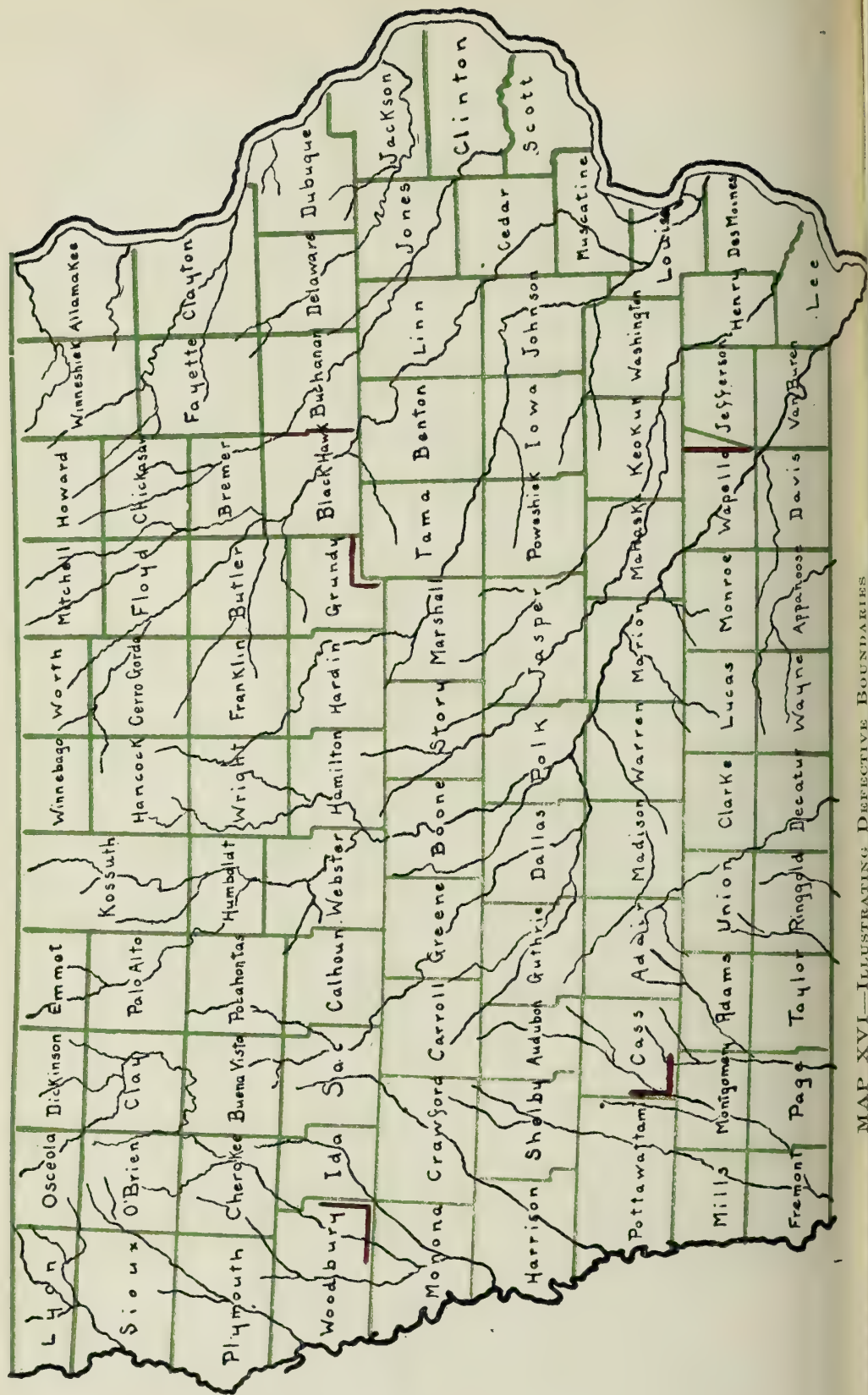
Boundaries newly defined





MAP XIV—ILLUSTRATING THE ACTS OF 1856, 1857, AND 1862





MAP XVI.—ILLUSTRATING DEFECTIVE BOUNDARIES



## SOME PUBLICATIONS

*Proceedings of the State Historical Society of Wisconsin at its Fifty-fifth Annual Meeting held November 7, 1907.* Madison: Published by the Society. 1908. Pp. 305. Portraits, plates, maps.

The report of the proceedings of the State Historical Society of Wisconsin as here given is condensed and covers only twenty printed pages. The remainder of the book is devoted to reports of officers, committees, and local historical societies, and to the papers read before the Society. The report of the executive committee shows that during the year ending September 30, 1907, there were over eleven thousand accessions to the library, and that at present the library contains nearly three hundred thousand titles.

The reports of the nine auxiliary societies reveal a commendable and growing interest in local history. While these societies are all young and have made little more than a beginning, an impetus has been given to the search for and the preservation of historical material. For instance, the Ripon Historical Society has made a collection of material relative to the claims of Ripon as the birthplace of the Republican party, and it was largely due to this Society that the original record book of the Board of Trustees of Ripon College was discovered and transcribed. The Sauk County Historical Society has purchased a mound known as the "Man Mound" and proposes to enclose it and make further improvements with a view to preserving it as a spot of historic interest.

Among the papers read before the Society the one of the most general interest is entitled, *The Fox Indians During the French Regime*, by Louise Phelps Kellogg. The writer traces the early history of the Fox Indians, their relationships with the other tribes, the inter-tribal wars in which they were engaged, and lastly their dealings and struggles with the white men in Wisconsin. The paper forms an interesting and valuable chapter in the Indian history of the Mississippi Valley.



An interesting paper by Reuben Gold Thwaites on *Wisconsin's Emblems and Sobriquet* gives the complete history of the seals used on documents and also an explanation of the sobriquet "The Badger State". The paper is accompanied by cuts of the various seals and by maps showing the status of the Wisconsin country at different dates in its history.

Other papers contained in the book are: *Reminiscences of a Pioneer in the Rock River Country*, by Edwin Delos Coe; *Phases of the Economic History of Wisconsin, 1860-70*, by Carl Russell Fish; *Annals of the Early Protestant Churches at Superior*, by John Morrison Barnett; *The Invention of the Roller Flour Mill*, by Publius Virgilius Lawson; and *Polish People of Portage County*, by Albert Hart Sanford.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*Dedication of Monuments Erected by the State of Iowa.* Compiled by ALONZO ABERNETHY. Des Moines, Iowa: Published by the Secretary of State, W. C. Hayward. 1907. Pp. 301. Portraits, plates, maps.

In November, 1906, monuments commemorating the suffering, the death, and the valor of Iowa soldiers on the battlefields of Vicksburg, Lookout Mountain, Missionary Ridge, Shiloh, and at the Confederate Prison at Andersonville were presented by their respective commissions to Governor A. B. Cummins, representing the State of Iowa, and were formally transferred by him to the United States government. The proceedings upon these occasions, the addresses delivered, the poems read, and the prayers offered have now been published by the State of Iowa in a volume which reflects credit upon the compiler and those who have had the publication in charge. It is well printed, on good paper, and is bound in excellent form. Portraits of Governor Cummins and the various monument commissions, views of the monuments themselves, several maps, and a number of miscellaneous plates illustrate the work.

At three great battlefields of the West, Congress has established national military parks (at Chickamauga and Chattanooga, at Shiloh, and at Vicksburg) and has invited the various States to erect monuments for their respective organizations. The response from Iowa to this invitation was a series of appropriations for the purpose, aggregating \$239,370.28. An appropriation of \$10,000 was also voted to make recognition of those who suffered and died in the prison at Andersonville. In 1906 the General Assembly of Iowa provided for a single dedicatory trip and appropriated \$7,500 for the expense thereof.

The record of the dedication exercises covers about three hundred pages. The volume itself is a monument to the patriotism of Iowans. It would be well if every citizen of the Commonwealth could read the addresses and cherish in his memory the tribute of the soldier to his comrade left upon the field, the tribute of the Confederate veteran to the valor of his erstwhile foe, and the tribute of a later generation from both North and South to the men who preserved the integrity of the Nation.

One of the most satisfying features of the volume is the evidence of peace and concord—the lack of bitterness and sectionalism. The dedicating party was welcomed with a fine courtesy and cordiality by the South. Veterans of the Confederate Army took part in the exercises with words of friendly sympathy, and the speeches reflect little of the feeling that once separated two parts of the American people.

Much that is good has been preserved in these addresses. The contributions have been both historical and literary. In an oration by Colonel Charles A. Clark at Vicksburg we find the following comment on nomenclature:

“Let history have its due. It is idle to avoid the question, was there a right in that prolonged and bloody conflict? We have called it the War of the Rebellion; we have called it the Civil War; Grant, in his memoirs, called it the War between the States. The growth of fraternal feeling, and a broader view, have convinced all that the first designation is neither just nor appropriate; the second is unmeaning; the third indicates nothing as to the issues involved, and besides, in five border states it was not war between the

states, but war within the states—war of the most dreadful and deplorable type—and so 'War between the States' is inaccurate and misleading. It was a War for the Union which was forced upon Lincoln and upon the government which he was sworn to uphold. It was a War for the Union which was waged and which triumphed, and never until that name is adopted will its very essence and meaning stand forth in the designation of the terrible crisis itself."

On perhaps no other subject has the history of the United States been so warped and twisted, and it is encouraging to see that time is bringing a truer perspective of the struggle that settled forever the question of the unity of our government.

JOHN CARL PARISH

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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*The Revolution on the Upper Ohio, 1775-1777. Compiled from the Draper Manuscripts in the Library of the Wisconsin Historical Society. Edited by REUBEN GOLD THWAITES and LOUISE PHELPS KELLOGG. Madison, Wisconsin: State Historical Society of Wisconsin. 1908. Pp. 275. Portraits, map.*

This is a sequel to *Dunmore's War*, which appeared in 1905. A third volume from the Draper Manuscripts is promised in due season. The present work consists of thirty-seven longer or shorter extracts from manuscript sources, mostly correspondence, dealing with events in the Upper Ohio Country during the early years of the American Revolution. There is a valuable introduction by the editors, a facsimile of Crèvecoeur's map of the region involved, and an index.

The years 1775-1777 were stirring ones for the pioneers on the Upper Ohio. There were wars and rumors of war, British machinations among the native tribes, Indian outrages and punitive expeditions, and enlistments of volunteers for service on the seaboard. Through it all the pioneers continued that work of occupying and subduing wild land which has been the most notable feature of American history. It was during the Revolutionary era that the

trans-Alleghany country was first permanently settled and that the Old Northwest was wrested from its British overlords.

The documents here collected tell of the movement to Kentucky in 1775; the conditions at various frontier forts, especially Fort Pitt; the Indian Treaty at Pittsburgh, 1775; Captain Gibson's daring and successful effort to secure powder from New Orleans; and various minor episodes in the stirring drama above referred to. The sources are so arranged as to tell their own story—a significant story, but one which is passed over in silence or dismissed with a hasty paragraph in most secondary accounts. It is to be regretted that the documents are not presented in a more attractive and durable form.

E. H. DOWNEY

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY

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#### AMERICANA

##### GENERAL AND MISCELLANEOUS

Number one of volume two of *The University of Missouri Studies* consists of a monograph on *The Social Function of Religious Belief*, by William Wilson Elwang.

The entire issue of *The American Catholic Historical Researches* for April is given up to *The Story of Commodore John Barry*, by Martin I. J. Griffin. It is illustrated with a number of cuts and deals largely with his record as a naval commander in the War of the Revolution.

Issued in 1908 as number 21 of the *Series in Political Economy and Public Law* of the *Publications of the University of Pennsylvania* is a monograph by Dr. Paul L. Vogt on *The Sugar Refining Industry in the United States, Its Development and Present Condition*.

The March *Bulletin of the American Geographical Society* contains: *Geographic Influences Affecting the Early Development of American Commerce*, by Emory R. Johnson; a brief study of *The*



*High and Low Stages of the Mississippi River During the Year 1906-7*, by Robert M. Brown; and a paper by V. Stefansson entitled *On the Mackenzie River*.

We note in *The Quarterly Journal of Economics* for February a discussion, by Thorstein Veblen, of *Professor Clark's Economics*, a paper by T. N. Carver on *Machinery and the Laborers*, an article on *The Street Railways of Philadelphia*, by Frank D. McLain, and one on *Hoarding in the Panic of 1907*, by A. P. Andrews.

The corner stone of a new building to be occupied by the International Union of American Republics was laid at Washington on May 11, 1908. The principal addresses were made by Secretary Root, President Roosevelt, Ambassador Nabuco of Brazil, and Andrew Carnegie. An account of the ceremonies is included in the *Bulletin of the International Bureau of the American Republics* for May, 1908.

*Bulletin of the University of Wisconsin, No. 182*, is a study of *The Labor Contract from Individual to Collective Bargaining*, by Margaret Anna Schaffner. As the title indicates, this study is concerned chiefly with the evolution of collective action among the trades. The preface states, however, that the material presented is intended only as an introduction to a larger work on collective bargaining which the author has in mind.

*The Proceedings of the Bostonian Society at the Annual Meeting January 14, 1908*, is a pamphlet of about eighty pages. It contains, besides reports and statistical data, a paper on *The Old State House, and its Predecessor the First Town House*, by Charles F. Read. An etching of the Old State House of Boston as it appeared in 1907 and a colored frontispiece showing the Boston Common and the State House in 1830 illustrate the pamphlet.

*The Sociology of Political Parties*, by Lester F. Ward, and *A Review of Municipal Events*, by Clinton Rogers Woodruff, are leading articles in the January number of *The American Journal of Sociology*. Alfred Holt Stone contributes to the March number a discussion of the question *Is Race Friction Between Blacks and Whites in the United States Growing and Inevitable?* In the May

number John R. Commons leads in a symposium on the question *Is Class Conflict in America Growing and Is It Inevitable?* The subject is discussed by Graham Taylor, Miss Jane Addams, Alvin S. Johnson, and others.

Published by the Association for International Conciliation in January is a pamphlet by James Brown Scott entitled *The Work of the Second Hague Conference*. After some introductory remarks in regard to the development of international law and the First Hague Conference, the work of the Second Conference is outlined in detail. In summing up the results of the Conference Mr. Scott says that it "laid the foundations of, if it did not put the finishing stone to, a great court of arbitration."

The March *Political Science Quarterly* opens with a paper by Charles E. Strangeland on *The Preliminaries to the Labor War in Colorado*. Francis Walker of the Bureau of Corporations at Washington discusses *The Oil Trust and the Government* in the light of the recent investigations by the Bureau. E. W. Kemmerer tells of *The Progress of the Filipino People toward Self-Government*. The first instalment of a treatise on *The Early English Colonial Movement* is contributed by George Louis Beer. Herbert Horwill writes of *The Problem of the House of Lords*, and Thorstein Veblen discusses *Fisher's Capital and Income*.

Articles of especial interest from the historical standpoint in *The South Atlantic Quarterly* for January are: *Recent Agitation of the Negro Question in the South*, by James W. Garner; *The Question of State Sovereignty*, by Louis Pendleton; *The Second Hague Conference*, by Edward G. Elliott; and *Carl Schurz: Reminiscences of Youth and Early Manhood*, by William H. Glasson, the latter being an extended review of *The Reminiscences of Carl Schurz*, two volumes of which appeared in 1907. In the April number of this same publication there is an interesting article on *John Randolph's Mission to Russia*, by John C. Hildt.

The second volume of the *University of Toronto Studies in History and Economics* undertakes the discussion of *Municipal Government in Canada* through a series of papers under the editorial su-

pervision of S. Morley Wickett. Among the articles in the fourth number are: *The Evolution of Law and Government in the Yukon Territory*, by John N. Elliott Brown; three papers having to do with local government in British Columbia, in the Maritime Provinces, and in Newfoundland; and articles concerning the city government of Montreal, Quebec, and Ottawa. Dr. Wickett closes the number with an article on *Present Conditions* and a *Bibliography*.

A discussion of *The Delegation of Legislative Power by Congress to the States*, by James D. Barnett, opens the May number of *The American Political Science Review*. David Y. Thomas writes on *The Law of Impeachment in the United States* discussing some of the questions arising out of the eight impeachment cases which have occurred in the history of our country. *The Bürgermeister, Germany's Chief Municipal Magistrate* is the title of a contribution by Joseph Torrey Bishop. The department devoted to *Notes on Current Legislation* and under the charge of Margaret A. Schaffner is always a valuable part of the *Review*.

Two articles of interest in the May number of the *Columbia Law Review* are: *The Evolution of the English Joint Stock Limited Trading Company*, by Frank Evans; and *Some Recent Legislative Tendencies*, by John Bell Sanborn. During 1907 forty-three State legislatures met and passed laws, and Mr. Sanborn has some interesting comments upon the legislation of the year. He notes particularly the great increase in the variety of subjects dealt with in statutes during late years, and the diminishing number of men who make law-making a business. At the same time, it is pointed out that the efficient legislator of the present day must be a man of much broader knowledge than his predecessor; hence the appointment, in many States, of special investigating and advising committees.

A thorough-going treatise on *British Committees, Commissions, and Councils of Trade and Plantations, 1622-1675*, by Charles M. Andrews, constitutes numbers 1, 2, and 3 of the twenty-sixth series of *Johns Hopkins University Studies in Historical and Political Science*. It is an important subject in a somewhat neglected field.

The causes of the American Revolution run far back into the economic and industrial history of the colonies, and these phases of the relation of England to her dependencies have been particularly slighted in the past writing of American History. Professor Andrews traces the evolution of the controlling body from 1622 when sole authority rested with the Privy Council as a whole, down to 1675 when the committee known as the Lords of Trade was given complete charge of matters concerning trade and the Plantations.

A recent reprint from the *American Anthropologist* bears the title: *Ethnographical Material from North America in Swiss Collections*. The author, David I. Bushnell, Jr., states that in the museums of Zürich, Basel, Bern, Neuchatel, and Lausanne are to be found many valuable pieces of ethnological material relating to North America. Most of the material has been brought back to Switzerland by travelers who visited this country at an early day, and the collections are chiefly from among the Indians of the Missouri Valley region. In the Bern Museum there is an interesting journal kept by Friedrich Kurz, a Swiss artist, who made a trip up the Missouri in 1851. The journal is accompanied by numerous sketches illustrative of life among the various Indian tribes visited by Kurz, who had hoped to have his journal published. The translation and printing in German of Catlin's work defeated this plan.

Reprinted from the *Year Book No. 6* is the *Annual Report of the Director* of the Department of Historical Research of the Carnegie Institution of Washington for 1907. It mentions the completion of the revised edition of the *Guide to the Archives of the Government of the United States in Washington* and of Mr. Luis M. Perez's *Guide to the Materials for American History in Cuban Archives*. Professor Shepherd's *Guide to the Materials for the History of the United States in Spanish Archives (Simancas, the Archivo Historico-Nacional, and Seville)* has also been issued. Owing to a determination upon the part of the British Public Record Office to make a total rearrangement of a portion of their records, the work of Professor Andrews in the British Archives, to a great extent, needs to be rewritten before publication. The second volume, therefore, which includes material from the British Museum, the



minor London archives, and the manuscript collections of Oxford and Cambridge, will be published first. A bibliography of *Writings on American History, 1906* is in active preparation as well as a number of undertakings in the line of textual publication of documents. The plans for the year 1908 include the publication of a guide to lesser British archives, above mentioned, by Professor Andrews and Miss Davenport, and Professor Allison's inventory of materials for American religious history in ecclesiastical archives. Mr. Leland and Professor Bolton expect to finish their work in the archives of Paris and Mexico, and a beginning will be made of a similar work at Rome. Dr. Marcus W. Jernegan is engaged upon the preparation of a calendar of papers in the various archives in Washington relative to the Territories of the United States. This, particularly to the Western States, will be an undertaking of great value. Another work of importance is the collection, by Miss Frances G. Davenport, of treaties between foreign powers having a bearing upon the history of the United States.

On Monday evening, December 2, 1907, the American Academy of Political and Social Science held a special session on the subject *The Lessons of the Financial Crisis*. The papers read at this meeting together with others contributed by financiers from various parts of the country are published in the March issue of *The Annals of the American Academy of Political and Social Science*. Among the contributors are: Frank A. Vanderlip, William Barret Ridgley, Charles H. Treat, George E. Roberts, Jacob H. Schiff, Lyman J. Gage, and A. S. Frissell. The *Control of Municipal Public Service Corporations* is the theme upon which the fourteen papers are written which compose the number for May, 1908. Various phases of the problem of regulation of public service in the cities of New York, Chicago, Detroit, Boston, Philadelphia, and New Orleans are discussed as well as financial and other conditions in the District of Columbia and the States of New York and New Jersey.

The Department of Historical Research of Washington, D. C. has recently issued a second edition of the *Guide to the Archives of the Government of the United States in Washington*, by Claude

H. Van Tyne and Waldo G. Leland. The new edition, revised and enlarged by Mr. Leland, contains over a hundred pages more than the original edition. Additional investigations have been made in the Bureau of Indexes and Archives and the Bureau of Rolls and Library in the Department of State, and in the Treasury Department, the Department of Justice, the Post Office Department, and the Naval War Records office. The problems involved in the preparation of such a guide are enormous and the product is necessarily suggestive rather than in the nature of a catalogue. With the mass of records to be considered, the varying systems or lack of system with which the different departments have preserved their files, and in some cases the inaccessibility of the manuscripts, it is not to be expected that an adequate catalogue of records can be prepared until a Hall of Records materializes, in which the records of all departments and offices of the government can be preserved, carefully classified and indexed. The present guide, however, is of incalculable aid to the investigator whose line of research touches the archives at Washington, and should also serve to emphasize the need of a central repository such as is maintained in England and certain other European countries.

## WESTERN

James Morton Callahan contributes a monograph on *The Alaska Purchase and Americo-Canadian Relations* which appears as numbers two and three of the series in *Diplomatic History of the West Virginia University Studies in American History*.

*The McEvers Mounds, Pike County, Illinois*, are described by Clara Kern Bayliss in *The American Antiquarian and Oriental Journal* for March and April. The mounds are found near the west bank of the Illinois River and eight of them were recently opened disclosing various shell and stone implements, decayed log vaults, and skeletal remains.

The *Ethnology of the Gros Ventre*, by A. L. Kroeber, appeared in April, 1908, as *Part IV* of the first volume of *Anthropological Papers of the American Museum of Natural History*. The information was collected at the Fort Belknap Reservation in northern

Montana and is presented in a detailed study of over a hundred pages, well illustrated with plates showing the clothing, decorations, and implements of the Gros Ventre Indians.

The *Report of the Superintendent of Indian Schools to the Commissioner of Indian Affairs*, for 1907, indicates that there is a growing tendency in the Indian schools to pay more attention to practical training. As a result the Indians are beginning to enter into industrial pursuits in those sections where their training has been efficient and where employment bureaus have been established.

The *Twenty-fifth Annual Report of the Executive Committee of the Indian Rights Association* appears in the year 1908 in a pamphlet of eighty pages. The Association is an organization for the promotion of the civilization of the American Indian and the securing of his natural and political rights. The *Report* gives information concerning recent accomplishments in behalf of the Red Man and the necessity of action in various lines for his protection or aid.

*Bulletin 35* of the Bureau of American Ethnology of the Smithsonian Institution is a monograph entitled *Antiquities of the Upper Gila and Salt River Valleys in Arizona and New Mexico*, by Walter Hough. This region was comparatively uninhabited when Coronado made his famous expedition in 1540, and yet the ancient ruins indicate that it was once thickly populated. The story of the early inhabitants is accompanied by numerous illustrative plates and figures.

*A History of the Origin of the Place Names connected with The Chicago & North Western and The Chicago, St. Paul, Minneapolis & Omaha Railways*, is the title of a valuable publication recently compiled for the North Western system. It gives the origin of the names of all the States, counties, towns, villages and stations through which these two railways pass, together with a list of all the names which have been changed. The North Western system is operated in nine States: Illinois, Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming, and hence this compilation possesses a wide interest.

Among the many valuable contributions to the *American Historical Magazine* for May, 1908, there are three which are especially deserving of notice from the standpoint of western history. Albert Watkins writes on *Douglas, Lincoln, and the Nebraska Bill*. Only the opening chapter appears in the May number. *Mormonism and Intoxicants*, by Theodore Schroeder, is also to be continued. Ewing Beman relates *A Tradition of Simon Kenton*, the Kentucky pioneer. Two additional portraits in the series entitled *A Pictorial Life of Lincoln* are presented in this number, and represent Mr. Lincoln in the prime of life.

There has recently been issued from the government printing office a *Report on Wind Cave, Crater Lake, Sullys Hill, Platt, and Mesa Verde National Parks and Casa Grande Ruin*, compiled in the office of the Secretary of the Interior. The Casa Grande ruin has been of much interest among archaeologists during the past year. It was discovered in 1694 by a Jesuit missionary named Padre Kino and is undoubtedly of ancient origin, but it was not until recent years that it began to attract the serious attention of students. The work of excavation is being directed by the Smithsonian Institution.

A vigorous exponent of the part taken by the West in American history is Professor Max Farrand of Stanford University. The failure of historians to recognize the importance of the westward movement and the influence of the advancing frontier on the civilization it left behind has been marked in the past. It still exists to a great extent in the strip of States east of the Alleghanies. In a recent review of the series known as *The American Nation*, edited by Albert Bushnell Hart, Professor Farrand passes the criticism that it fails to take an adequate account of the West. In *The Yale Review* for May he contributes an article on *The West and the Principles of the Revolution* in which he outlines the influence of the then West upon America of the Revolutionary period.

A reprint from the *Michigan Law Review* of May, 1908, consists of a paper on *The Michigan Constitutional Convention* in which John A. Fairlie presents an account of the Convention and the



revised Constitution with particular emphasis upon the important changes from the present State Constitution. No very radical changes were made in the general system of government. Three articles were added—on a declaration of rights, on eminent domain, and on local government; and forty sections were eliminated as obsolete or inapplicable. Grants of extensive powers were made to cities and towns, establishing more firmly the principle of local self-government. Some changes were affected in the regulation of legislation and certain additional powers were conferred upon the Governor of the State.

The belief of the Algonquin Indians in a thunder bird or storm-spirit which soared through the sky in the shape of clouds and lived on serpents seems to Clara Kern Bayliss the explanation of two carved and painted representations of a monster which the Indians called Piasa or Piasau, the "man-devouring bird." These figures were on a sandstone cliff at the mouth of Piasa Creek which empties into the Mississippi River between Alton and the mouth of the Illinois River. A discussion of the carving by the above named writer appears under the title *The Significance of the Piasa* in the *Records of the Past* for March-April, 1908. About the middle of the last century, the cliff was destroyed by the opening of a stone quarry, but numerous descriptions and drawings were made prior to this time. As early as 1673 it was described in detail by Father Marquette who passed the cliff on his way down the Mississippi River. Mr. W. B. Nickerson contributes to this issue a sketch of the *Mounds of Northwestern Illinois*, treating of the Portage Group and the Aiken Group of earthworks.

An Egyptian papyrus of considerable importance was recently discovered and presented to the Toledo Institute of Art by its President, Mr. E. D. Libbey. The manuscript has been given by European scholars the name "Papyrus Libbey" and is described in *The Ohio Magazine* for April, 1908. Among other articles in this issue is one on *The Tragedy of Gnadenhutten*, by Harry E. Martin, and a description entitled *Reclaiming Hudson*, by Karl K. Kitchen. The contribution tells of the transformation of the ancient site of the Old Western Reserve University into a model

town through the philanthropy of James W. Ellsworth. *Pioneer-Indian Days in Ohio*, by Colonel Cyrus Sears, is a collection of personal reminiscences published in the May number of the same magazine. Another interesting sketch, written by Adah Dodd-Poince, is entitled *The Gypsies Under the Stanley Government*. The writer deals primarily with the Stanley tribe of American gypsies, but incidentally throws much light upon the habits and customs of this nomadic people as a whole.

*The Labor History of the Cripple Creek District A Study in Industrial Evolution*, by Benjamin McKie Rastall, is the title of a monograph published in February, 1908, by the University of Wisconsin as one of its bulletins. The great strikes of 1894 and 1903-1904 form the basis of the work and are treated scientifically and in detail. The writer attributes much blame to the political parties of Colorado for hindering the settlement of the first strike by their intrigues to gain the good will of the opposing factions. The violence in the second strike is explained partly by the frontier character of the region, and partly by the fact that the whole industry was centered in mining, forcing every person to take a definite stand on one side or the other. Many valuable lessons are to be found in the history of these strikes which should guide both parties in the conflict in future difficulties.

#### IOWANA

*The Iowa Band* is the subject of a short article by Rev. T. O. Douglass in *The Grinnell Review* for April.

Iowa men may be found at work in all parts of the United States. In Denver, Colorado, there appeared in April, 1908, the first number of volume one of *The Office Tattler*, edited by H. R. Mosnat, a native of Iowa and a graduate of The State University of Iowa. The new publication is a monthly magazine devoted more or less to business subjects.

Excellent sidelights upon the history of the Mormons and upon the westward migratory movement are to be obtained from two continuations running in *Autumn Leaves*, one of the publications

of the Reorganized Church of Latter Day Saints at Lamoni, Iowa. The contributions are: a series of *Letters from the Past*, by Alvin Knisely; and the *Autobiography of Elder J. C. Clapp*.

The *Cedar Rapids Evening Gazette* has recently published in souvenir pamphlet form a discussion of the *Organization of Grand Lodge of Iowa*, by Joseph E. Morcombe, with a prefatory note entitled *Story of Beginning* in which the author expresses the belief that the material presented is new to all readers. The story runs back to the years 1843 and 1844 and involves the history of Mormons in Iowa and the organization of Mormon Lodges.

Another addition has been made to the body of literature upon Iowa Masonry in the publication of *A History of Cryptic Masonry in Iowa* compiled by William F. Cleveland under authority of the Grand Council of Royal and Select Masters of Iowa. Beginning with a discussion of Cryptic Masonry, the compiler then treats briefly of the General Grand Council of the United States and passes to the history of Cryptic Masonry in Iowa. The last half of the book is devoted to Portraits and Sketches of the Past Most Illustrious Grand Masters from 1857 down to 1907.

The two most important contributions to the April number of the *Journal of History*, published by the Reorganized Church of Latter Day Saints, are the continuations of *Church History* and of the department given to *Local Historians and their Work*. The number is opened by a few pertinent remarks on *The Task of the Historian*, by D. F. Lambert, with a plea for coöperation of the readers in the encouragement of the new publication. There is reprinted *A Brief History of The State Historical Society of Iowa*, by Benj. F. Shambaugh, Superintendent and Editor of the Society. Among the shorter contributions we note an article on *Inspired Translation or Correction of the Holy Scriptures*, by Heman C. Smith; a reprint of an article in the *Saturday Evening Post* of October 15, 1831, concerning the "Mormonites", contributed by T. J. Fitzpatrick, of Iowa City; and a review of a serial story by Don Carlos W. Musser dealing with the Mormon faith. The number closes with a continuation of *Church Chronology*, by Elder Alvin Knisely.

Reverend William Salter of Burlington contributed to the *Burlington Hawk-Eye* for May 3, 1908, an interesting account of the founding of the Congregational Church in Denmark, Lee County, Iowa, in 1838, and the part it has since played in the history of the State. The date of its organization was May 5, 1838, before the Territory of Iowa was established. The first pastor of the church was Reverend Asa Turner, and for thirty years he served in this pioneer post. It was he who in 1843 made the call which brought to the Territory the devoted Iowa Band of eleven young Congregational ministers from Andover. It was in his study that the first meeting for the establishment of Iowa College was held. The records of this early Denmark church were kept for fifty years by the same clerk, Deacon Oliver Brooks. The church on May fifth appropriately celebrated the anniversary of its three score years and ten.

An excellent and timely work has recently appeared under the authorship of Lewis H. Haney, Assistant Professor of Economics at The State University of Iowa. It is the first volume of *A Congressional History of Railways in the United States* and treats of Congress and the railways down to the year 1850. The volume falls into three primary divisions, Book I, taking up the Rise of the Railway Question, Book II, Aid to Railways, and Book III, Railways to the Pacific. In the latter portion may be noted as of particular interest, a chapter on the History of Isthmian Transportation Projects with especial regard to Railways. The work was of course largely prepared from Congressional material, but the author adds a bibliographical note giving other references which have proved of value. In the form of appendices, maps and tabulated materials are presented which are useful. As a whole the work is a careful presentation of a phase of the railway question that is of the utmost importance. The second volume will treat of the years between 1850 and 1887, and the third volume will cover the history of railways from the passage of the Inter-State Commerce Act in 1887 down to the present time.



474 IOWA JOURNAL OF HISTORY AND POLITICS

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Abernethy, Alonzo,

*Dedication of Monuments Erected by the State of Iowa.* Des Moines: Published by the Secretary of State of Iowa. 1908.

Adsit, Ruth,

*Exercises in Phonics.* Cedar Rapids, Iowa: Published by the author. 1908.

Beede, Charles Gould,

*Soul Shadows.* Ames, Iowa: Published by Mrs. Lillian Barker Beede. 1908.

Burton, Martha Virginia,

*Songs of the Sun.* [Poems] Chicago: Published by the author. 1908.

Butler, Ellis Parker,

*The Cheerful Smugglers.* New York: The Century Company. 1908.

Cleveland, William F.,

*A History of Cryptic Masonry in Iowa.* Davenport, Iowa: Published by the Grand Council of Iowa. 1908.

Deemer, Horace E.,

*An Address; Delivered on the Occasion of the Sixtieth Anniversary of the Founding of The State University of Iowa.* Iowa City, Iowa: The State Historical Society of Iowa. 1908.

Haney, Lewis Henry,

*A Congressional History of Railways in the United States.* Madison, Wisconsin: Published by the author. 1908.

Johnson, Allen,

*Stephen A. Douglas.* New York: Macmillan Company. 1908.

Lillibridge, William Otis,

*The Dissolving Circle.* New York: Dodd, Mead and Company. 1908.

Putnam, Edward Kirby,

*Spelling Reform and Authority in Language.* Davenport, Iowa: The Contemporary Club. 1908.

Rogers, Julia Ellen,

*The Shell Book.* New York: Doubleday, Page and Company.  
1908.

Shambaugh, Bertha M. H.,

*Amana: The Community of True Inspiration.* Iowa City,  
Iowa: The State Historical Society of Iowa. 1908.

Underwood, Joseph Harding,

*The Distribution of Ownership.* New York: The Columbia  
University Press. 1908.

#### SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

##### *The Register and Leader*

S. Van Alstine, a Historian for Fun, March 22, 1908.

Daniel Freeman, the First Homesteader, March 22, 1908.

Judge J. Scott Richman, Dean of the Iowa Bar, March 22, 1908.

City Graft in the Olden Days, by L. F. Andrews, March 22, 1908.

Iowa's Famous Prisoner of State—Dennis A. Mahoney, March 29,  
1908.

Sketch of life of Joel E. Hendricks, a pioneer educator and mathe-  
matician, by L. F. Andrews, March 29, 1908.

Annual Banquet of Iowa Society of New York, April 5, 1908.

Reminiscences of Stirring War Times—The Underground Rail-  
road—Henry Clay Dean, by L. F. Andrews, April 5, 1908.

Sketch of life of George Schramm, a pioneer, by L. F. Andrews,  
April 12, 1908.

Fort Madison—an Iowa City that is a Hundred Years Old, April  
19, 1908.

Captain Washington Galland—Lee County's Oldest Continuous  
Resident, April 19, 1908.

The Retreat of Bedford's Famous Recluse, April 26, 1908.

How Jeff Davis Made Love on Iowa's Borders, April 26, 1908.

General James A. Williamson—The Man who Saved the Capitol  
to East Des Moines, by L. F. Andrews, April 26, 1908.

Isaiah Maple—Pioneer Wagon Maker, by L. F. Andrews, May 3,  
1908.

Doctor Charles H. Rawson, a pioneer, by L. F. Andrews, May 10,  
1908.

## 476 IOWA JOURNAL OF HISTORY AND POLITICS

"Aunt" Liz—Mammy to a Regiment, May 10, 1908.

Account of the Army Experience of Dr. A. J. Skinner, May 17, 1908.

Amos Brandt, a pioneer of Des Moines, by L. F. Andrews, May 17, 1908.

Sketch of life of John Moxley, Iowa's Oldest Man, May 24, 1908.

Richard M. Brisco, a pioneer, by L. F. Andrews, May 24, 1908.

Alexander R. Fulton, a Newspaper Writer of the Olden Days, by L. F. Andrews, May 31, 1908.

How Judge P. M. Casady Fooled the Equitable, May 31, 1908.

What One of the Boys of '61 Endured for his Country, by James B. Pearson, May 31, 1908.

History of Upper Iowa University, June 7, 1908.

The Last of the Famous Old "Callanan Home", June 14, 1908.

### *The Burlington Hawk-Eye*

Twenty Years Ago. (In each Sunday issue).

Letters from Grant, March 22, 1908.

Sketch of life of Caleb Bolick, a Des Moines County pioneer, April 12, 1908.

Sketch of life of Dr. A. M. Golliday, of Bedford, April 25, 1908.

The Late John Henry Gear—Biographical Sketch of Iowa's Most Popular Governor, April 26, 1908.

Sketch of life of J. W. Maxwell, founder of the town of Maxwell, May 3, 1908.

Thomas Hedge's Tribute to Charles E. Perkins, May 3, 1908.

Monument to Timothy Brown, a soldier in the Revolution, unveiled at Washington, May 31, 1908.

Seventieth Anniversary of The Burlington Hawk-Eye, June 14, 1908.

### *The Cedar Rapids Republican*

Sketch of life of Dr. Timothy Andrews, an Iowa botanist, March 19, 1908.

Some of the Early History of the Town of Springville. April 12, 1908.

Traer—History and Prospects, April 12, 1908.

Some Early History of Center Point, April 12, 1908.

Sketch of Life of Robert Ellis, oldest living Cedar Rapids pioneer,  
April 12, 1908.

Thrilling Tales of Blairstown's Famous Men, April 12, 1908.

Reminiscences and Good Cheer, April 12, 1908.

Seventieth Anniversary of Robert Ellis's Residence in Cedar Rapids, May 8, 1908.

Allison's Remarkable Career, June 7, 1908.

*The Sioux City Journal*

Twenty Years Ago. (In each Sunday issue).

Recollections of a Sailor, March 29, 1908.

Iowa's Oldest Practicing Attorney—J. Scott Richman, April 19,  
1908.

Reminiscences of Forty-three Years in Congress, by James B. Morrow, May 10, 1908.

First House in Southern Iowa, May 11, 1908.



## HISTORICAL SOCIETIES

### PUBLICATIONS

Following the frontispiece, which is a representation of the ancient one-horse chaise, there appears in *The Essex Antiquarian* for April an article on *Riding in Olden Times*. With the aid of a number of cuts it furnishes interesting information on the vehicles of our forbears.

In the May number of the *Register of Kentucky State Historical Society* the principal articles are the conclusion of *The Discovery of Humboldt Bay* begun in the January number; an article on *Major General Zachary Taylor*, by Mrs. Jennie C. Morton; and a paper on *Prehistoric People of Kentucky*, by Z. F. Smith.

A recent publication of the Historical Society of New Mexico is the *Journal of New Mexico Convention of Delegates to Recommend a Plan of Civil Government. September, 1849*. Another pamphlet is entitled *The California Column*, and tells of the campaigns and services of this body of troops in New Mexico, Arizona, and Texas during the Civil War.

In addition to the usual amount of genealogical material the April number of *The New England Historical and Genealogical Register* contains a sketch of the life of *Robert Thaxter Swan*, by Laura Prentice Swan; an article on *Our English Parent Towns. Maldon*, by Oscar Fay Adams; and *Passenger Lists to America*, by Gerald Fothergill. The latter is a list of the passengers who arrived in America on four ships which landed during the summer of 1804.

A. J. Morrison edits for *The Virginia Magazine of History and Biography* for April a collection of *Letters of Roger Atkinson 1769-1776*. Atkinson was an active business man of Virginia in the period preceding the War of the Revolution and his letters throw light on the colonial tobacco trade during these years. A group of papers collected by W. N. Sainsbury is published under the caption *Virginia in 1625-26*. There is also, besides continuations, a

short series entitled *Some Family Letters of the Eighteenth Century*. There is begun in this number an attempt to print all the unpublished parts of the valuable historical collection known as *The Randolph Manuscript*.

The first instalment of a series of *Letters from the Right Reverend John England, D. D., to the Honorable William Gaston, LL. D.* is printed in the December issue of the *Records of the American Catholic Historical Society of Philadelphia*. There are also in this number, aside from continuations, *Some Old Letters from The Archives of Georgetown College*, with notes by Rev. E. I. Devitt; and *Excerpts from Letters in the Archives of Baltimore*, by Martin I. J. Griffin.

The story of *Ye Olde Meting-House of Meadford* is told by Moses W. Mann in *The Medford Historical Register* for April. The frontispiece of the magazine is a plate showing the building and this together with a plan of the interior arrangement and a cut showing an inside view add much to the vivid description which the writer gives of the old place of worship. The building was erected in 1696 and many interesting bits of information concerning the event have been culled by Mr. Mann from the town records.

Volume one, number one, of the *Proceedings of the New Hampshire Historical Society* contains the reports of the proceedings of the Society from 1905 to 1907. A number of the papers and addresses given before the Society upon various occasions are also printed. The first is a paper by F. P. Wells on *Colonel Israel Morey*, a pioneer in the upper Connecticut valley and the father of Samuel Morey, the inventor. *Dartmouth College: Its Founders and Hinderers*, is the title of an address by Franklin Benjamin Sanborn; while *The Great Tornado of 1821* is the subject of a paper by Fred W. Lamb.

The initial number of a new publication known as the *Journal of the Illinois State Historical Society* appeared in April. This journal, according to present plans, will be more in the nature of a regular bulletin of information than a magazine for the publication of historical material. The present number contains a list of

the names of the officers and committees of the Society; an outline of the general plan for the celebration of the semi-centennial of the Lincoln-Douglas debates; a sketch of the life of George Nelson Black, a member of the Board of Directors of the Society, recently deceased; and a report of the Secretary of the Society.

Conditions in Texas during the early "thirties" form the background for an article on *General John Thompson Mason* in *The Quarterly of the Texas State Historical Association* for January. It is by Kate Mason Rowland and treats of General Mason's connection with Texas as agent of The Galveston Bay and Texas Land Company in the first half of that eventful decade. Mr. Charles W. Ramsdell interestingly discusses *Texas from the Fall of the Confederacy to the Beginning of Reconstruction*. The third article in this issue is a translation of *Joaquin de Arredondo's Report of the Battle of the Medina, August 18, 1813*, by Mattie Austin Hatcher.

The German American Historical Society of Illinois publishes quarterly a magazine entitled *Deutsch-Amerikanische Geschichtsblätter*. Research is being carried on by the Society in respect to the German element in Illinois and the Northwest, the material finding expression in the above magazine. Heinrich Bornmann has for some time been contributing a *Geschichte der Deutschen Quincy's*. Another continuation concerns the *Deutsche und deutsche Nachkommen in Illinois*. That the scope of investigation is not limited to Illinois is evidenced by the fact that the January number contains articles on the Germans in Indiana, in the Scioto Valley of Ohio, and in Kentucky.

Besides continuations, *The South Carolina Historical and Genealogical Magazine* for January, 1908, contains two contributions. Under the title *Charleston—The Original Plan and the Earliest Settlers*, Henry A. M. Smith reproduces a plat of Charles Town and a list of the first grantees of the town lots. The list bears the date 1725 and the map was probably made at the same time. The writer gives an explanation of the documents in several pages of preliminary discussion. The remaining contribution is a collection

of letters of Colonel John Barnwell concerning *The Tuscarora Expedition*. The letters are reprinted from the April and July, 1898, issues of *The Virginia Magazine of History and Biography*. It is not clearly apparent why these letters should be reprinted when so much valuable unpublished material remains in manuscript form.

The *Missouri Historical Review* publishes, in its April number, a paper by H. E. Robinson entitled *General Ethan Allen Hitchcock:—Some Account of a Missouri Author somewhat neglected but whose writings will live when more popular writers are forgotten*. John L. Thomas of the Old Landmarks Committee writes briefly of the *Rivers of Jefferson County*. A discussion of *The Conquest of St. Joseph, Michigan, by the Spaniards in 1781* appears from the pen of Clarence W. Alvord. Homer C. Hockett writes of *Rufus King and the Missouri Compromise*; and Warner Lewis contributes some *Civil War Reminiscences*. There also appears in this issue *A Bibliography of Slavery and Civil War in Missouri* compiled by F. A. Sampson and W. C. Breckenridge.

At a meeting of the Chicago Historical Society, April 16, 1907, Mr. Henry E. Hamilton read a *Biographical Sketch of Gurdon Saltonstall Hubbard* which is published in 1908 by the Society in pamphlet form. The paper was prepared largely from a memorial published soon after Mr. Hubbard's death. It presents an interesting sketch of one of the builders of the West, who came out to Fort Dearborn as early as 1818 as a clerk for the American Fur Company and until his death in 1886, took a prominent part in the upbuilding and growth of Chicago. There is also now in press the fifth volume of the *Chicago Historical Society's Collection* having to do with the *Settlement of Illinois 1778-1830*. It has been prepared by Arthur Clinton Bogess and will be ready for distribution in the fall.

Two papers comprise the contents of the March *Journal of the Presbyterian Historical Society*. One bears the alliterative title *A Pennsylvania Presbyterian President* and consists of an inquiry, by W. U. Hensel, into the religious sentiments and character of



James Buchanan. The other contribution is the first part of a reproduction of source material concerning *The Presbyterian Church of Monmouth County* (New Jersey). An introduction and notes are supplied by James Steen. The *Journal* for June contains a biographical sketch of *Allen Henry Brown*, by Frederic R. Brace; an address on *The Presbyterian Congregation in Fredyffrin*, by Joseph S. Harris; an historical sketch of *The Genesis and Growth of Synodical Home Missions*, by William P. White; and *The Presbyterian Church of Monmouth County. Being the Minutes of the Original Collegiate Church of Monmouth County, N. J.*, edited by James Steen.

*Chinese History* is the subject of the opening paper in *The Washington Historical Quarterly* for January, 1908. Charles D. Tenney comments briefly upon this interesting field of historical study. Of like nature is a paper by K. Asakawa on *Why and How Japanese History may be Studied with Profit in America*. An article on *The Military Roads of Washington Territory* is contributed by Thomas W. Prosch, and one on *A Visit to West Point*, by William F. Prosser. Under the caption *Heroes and Heroines of the Long Ago* is published an address which was delivered by Edwin Eells at the ceremonies before the Whitman grave, November 29, 1907. Charles W. Smith of the University of Washington Library has prepared an *Expansion of the Dewey Decimal System of Classification for the History of the Pacific Northwest*. Though its field is limited to the far Northwest, it should prove of suggestive value to all librarians who have to cope with the problem of the classification of local history.

The opening contribution to the January number of the *Ohio Archaeological and Historical Quarterly* consists of a series of short sketches of the stations, forts, and early settlements known as Loramie and Pickawillany. Among the other articles are a description of the *Mary Dean Vincent Mound* in Washington County, Ohio, by A. B. Coover; a brief sketch of *Anne Bailey* by Vergil A. Lewis; and articles on the *John Morgan Raid in Ohio* and the *Indian Attack upon Fort Dunlap*. This issue also contains an ode by William Henry Venable entitled *Cincinnati—A Civic Ode*. It

was read at a banquet given during the sessions of the Central Ohio Valley Historical Conference at Cincinnati in November, 1907. Among the contents for April we note the following: *Birthplace of John Brough*, one of Ohio's War Governors, by Edgar Ervin; *Major Caleb Stark in Ohio*, an account of a famous law-suit in Ohio, by George H. Twiss; a *Biography of Gov. Robert Lucas*, afterward Governor of the Territory of Iowa, by "A Citizen of Columbus"; *Political Influence of Ohio Pioneers*, by George M. Gadsby; and *Harrison's Great Speech at the Wonderful "Log Cabin" Campaign Meeting at Ft. Meigs, in 1840*.

The State Historical Society of Wisconsin has lately distributed the fifth volume of its series of reprints of the early *Collections* issued by Lyman Draper. This particular volume is exceedingly rare in its original form. It was issued in 1868 in three separate parts which easily became separated and lost. The reprint is therefore of especial value. The contents of the book are interesting and varied. Early reports of the Society, published transcripts from Canadian Documents, reminiscences of early Wisconsin, the Black Hawk War, and the early history of education in Wisconsin, are some of the topics which receive consideration. Volume six of the reprints will soon be issued and volume seven is in the hands of the printer. Volume 18 of the *Wisconsin Historical Collections* is now in press. It will contain documentary matter on the French regime in the Upper Lakes country from 1748 to 1763, also on the English regime, and will contain the old register of births, baptisms, marriages, and deaths kept at Mackinac Island from the early French times.

The *Address of Frederick V. Holman* at the dedication of the McLoughlin Institute at Oregon City, October 6, 1907, is the first number in *The Quarterly of the Oregon Historical Society* for December, 1907. It is an eloquent eulogy of Dr. John McLoughlin. Mr. Holman is the author of a work recently published under the title *Dr. John McLoughlin, the Father of Oregon*. George H. Himes writes for the December issue a *History of Organization of Oregon State Agricultural Society*; T. W. Davenport contributes a fourth instalment of the *Recollections of an Indian Agent*; and F. W.

Powell presents a *Bibliography of Hall J. Kelly* who was so largely instrumental in promoting the occupation and colonization of the Oregon Country. The bibliography contains two parts, one listing titles by Kelly and the other listing titles referring to Kelly. There is also edited an interesting *Diary of Asahel Munger and Wife* kept in 1839 during a trip across the plains to Oregon. In the number for March, 1908, the following contributions appear: *Edward Dickinson Baker*, by William D. Fenton; *The Wax of Nehalem Beach*, by O. F. Stafford; *Political Beginnings in Oregon. The Period of the Provisional Government, 1839-1849*, by Marie Merriman Bradley; *From Youth to Age As An American*, by John Minto; and *Columbia River Improvement and the Pacific Northwest*, by Frederic G. Young.

An appreciation of *William Pitt Fessenden*, by William Salter, forms the main contribution to the April *Annals of Iowa*. The writer remarks upon the close friendship existing between Fessenden and James W. Grimes of Iowa and uses as a prolific source of information the interesting correspondence between these two men. In the form of a letter to the late Curator Charles Aldrich is published a discursive essay by Charles A. White, formerly State Geologist of Iowa, on *The Origination of Organic Forms*. The commission in charge of the preparation of a roster of Iowa soldiers, sailors and marines, recently discovered the manuscript of a *Report on Operations of Iowa Troops in Missouri in June, 1861*, by Col. Samuel R. Curtis. As far as can be learned the report has never been put in printed form and its publication in this issue of the *Annals* is, therefore, a distinctly valuable contribution. It well illustrates the need of the careful preservation of manuscripts and archives of all kinds. Mr. Thomas Hedge writes for this number a sketch of the late Charles Elliott Perkins, formerly president of the Chicago, Burlington, and Quincy Railroad, and of whom James J. Hill said, "his was the greatest railroad intellect of the country." This issue also includes a letter written in the year 1838 and describing Clayton County of that day.

*In Memoriam: Mary Louise Dalton* occupies the first place in the January issue of the *Missouri Historical Society Collections*. It

consists of a biographical note, a poem, and a number of appreciations of Miss Dalton and her work as Librarian of the Society. There are four other contributions in this number of the *Collections*. Mr. V. Mott Porter edits, with an editorial preface, the first instalment of a *Journal of Stephen Watts Kearney*. It was kept during an expedition in 1820 from the Missouri River at the original "Council Bluff" across Iowa and Minnesota to the Mississippi River at the mouth of the St. Peters River, now the Minnesota River. The *Journal* is valuable both because of the prominence of the writer and because it is believed to be the only known record or account of this early military expedition. A paper is contributed by Gerard Fowke on *Surface Deposits along the Mississippi between the Missouri and the Ohio*, and Charles A. Krone continues his *Recollections of an Old Actor*. Translated from the Spanish is a *Letter of Instructions, Baron Corondelet, Governor of the Province of Louisiana, to Lieutenant-Colonel Don Carlos Howard* written from New Orleans, November 26, 1796. It contains material of much importance and is well annotated. A short prefatory explanation would have added to the value of the contribution.

#### ACTIVITIES

An especial effort is being made by the Oklahoma Historical Society to gather material relative to mission and educational work among the more than fifty tribes of Indians who have figured in the history of the settlement of Oklahoma. The Society is also interesting itself in the marking of historic sites, among other things indicating the line of separation between Oklahoma as it formerly existed and Indian Territory. By recent legislation the Society has been made custodian of the public archives and has been granted an appropriation of \$3,250.

The marking of the famous Oregon Trail through Nebraska is planned as a work of coöperation between the Daughters of the American Revolution and the Nebraska State Historical Society. It is hoped that this excellent idea may be carried to a successful conclusion. The last legislature of Nebraska made an appropriation of \$25,000 for the construction and equipment of the basement



story of a fire-proof wing of a new building which will afford the Nebraska State Historical Society excellent quarters. The city of Lincoln has donated a half block facing the capitol square as a site, and work on the building will be commenced this summer.

The Arkansas Historical Association held their regular annual meeting on May 22, 1908, at Little Rock. The subjects of papers read were: *Women's Clubs—Their Coöperation in Historical Work; Should the Association ask the Legislature to set apart the Old State House as a Library and Museum of Arkansas History? A Comprehensive Historical Policy for Arkansas; Duty of the State in Collecting and Preserving Aboriginal and War Relics; Senate Bill 47. Criticism and Exposition; and First Historical Society of Arkansas.* An effort will be made to secure legislation for the protection of mounds and providing for their scientific excavation. Upon an appropriation of \$1600 granted by the legislature of 1907 the work of the Society is being carried on, and Volume 2 of the *Publications* is being put through the press.

Beginning with November 5, 1907, and extending to April 14, 1908, the Academy of Science and Letters of Sioux City, Iowa, has conducted a series of fortnightly meetings at each of which an address has been given. Some of the subjects were *Indian Pictographs near Sioux City*, by J. Herbert Quick; *Life and Character of Theophile Bruguier*, by J. C. C. Hoskins; and *The Early Topography of Sioux City*, by S. B. Hoskins. At the annual meeting on April 14, the following officers were chosen: J. C. C. Hoskins, Honorary President; C. R. Marks, President; James F. Toy, First Vice President; S. B. Hoskins, Second Vice President; E. E. Stacey, Secretary; Fred C. Smith, Financial Secretary; J. Amerland, Treasurer; H. C. Powers, Curator; W. T. Stafford, Librarian; E. W. Caldwell, Editor. The special feature of the Academy is at present the museum. This department is growing very rapidly and has been much used by the teachers and their classes in the public schools.

An exceedingly unique invitation and program was sent out by the recently organized Historical Society of Marshall County

(Iowa) for their meeting on May 28, 1908. It was printed on heavy paper, folded to form a letter, as sent prior to the use of envelopes, and decorated with an old style of seal. The wording of the combined invitation and program was as follows:

## Y<sup>e</sup> Historical Society of Marshall County

will have a meeting at which will be given

### Alle Manner of Ancient Talks

by ye Menne and Womenne of Marshall County

### At Y<sup>e</sup> Publick Library Auditorium

Situate at ye Crofs Roads of Center and State Streets

on y<sup>e</sup> XXVIII day of y<sup>e</sup> Month of May

[Which is Thursday]

MDCCCCVIII

All menne and womenne members of ye Society are invited to be prefent and bring 3 friendly perfons with them.

### Y<sup>e</sup> Liste

#### Parte Firste

Introductory Remarks	. . . . .	<i>Hon. J. L. Carney</i>
	President Historical Society	
Y <sup>e</sup> Olden Days	. . . . .	<i>Mrs. Louisa Childs Choate</i>
Y <sup>e</sup> Forte	. . . . .	<i>Mr. J. M. Cooper</i>
In Grandma's Days—Y <sup>e</sup> 8 parte song		
	All ye singers, led by Mrs. C. P. Arney	

#### Parte Seconde

Marietta War	. . . . .	<i>Mrs. James L. Williams</i>
Unpublished Recollections of y <sup>e</sup>		
County Seat Contest	. . . . .	<i>Judge William Battin</i>
Y <sup>e</sup> Early "400"	. . . . .	<i>Mrs. A. C. Abbott</i>
Early Memories of Marshall County	. . . . .	<i>Judge J. M. Parker</i>
Presentation of Relics		

N. B.—All ye menne and womenne will be seated by Priscilla.

N. B.—To ye menne and womenne, young and olde folks, you are wanted to come and join ye Society at ye close of ye speech making, which ye can do for 50 coppers.

The Museum Department of The State Historical Society of Wisconsin has been recently receiving attention. Mr. Charles E. Brown the new Chief of the Department,, is working a reformation in the

cataloguing and reclassifying of the Ethnological collections. Recent additions have been made to the collections of materials on the North American Indians and the Filipinos. The Antiquarian fund has reached \$10,000 and the income will hereafter be devoted to the service of the Museum. The Society has also improved the family burial lot of Dr. Lyman C. Draper, its first Secretary, with a granite boundary and grave markers.

A meeting of the Decatur County (Iowa) Historical Society occurred at Lamoni on June 4, 1908. Two papers were read, one by the President, Mr. Guy P. Arnold, on *Garden Grove After the First Colony*, and a continuation by Mr. John E. Vail of his former paper on the *Nomenclature of Streams in Decatur County*. Interesting reminiscences were also given by Mr. J. R. Smith and Mr. Robert Turner. A committee on revision of the Constitution was appointed, to consist of G. P. Arnold, Heman C. Smith, Duncan Campbell, Stephen Varga, and Mrs. Emaline A. Malette. Twenty three members were added to the list at this meeting bringing the total membership up to the encouraging number of one hundred and twenty-seven.

Two valuable collections of manuscripts have been tendered to the Missouri Historical Society for preservation. From the New Madrid County Court House have been obtained eleven folio volumes of original French and Spanish manuscripts relating to early settlements in the Louisiana Purchase. These papers will be indexed and the more important will be translated and published. The other collection came to the Society through the will of the late J. Gilman Chouteau and contain among other valuable papers, the correspondence of Auguste Chouteau, one of the founders of St. Louis and whose history was closely associated with the early development of the Mississippi Valley.

On January 17, 1908, The Ohio Valley Historical Association effected a permanent organization, adopted a constitution and elected officers. The constitution states the object to be the promotion of the general historical interests of the Ohio Valley and especially the encouragement of the study and teaching of its local history.

There will be annual meetings of the Association and the next session will occur at Marietta, Ohio, November 27-28, 1908. Besides the general programs upon this occasion there will be conferences on the preservation and tabulation of private manuscripts in the Ohio Valley, on the work of patriotic and hereditary societies, and on the teaching of local history in the schools. The officers for the ensuing year are: President, E. O. Randall; Vice Presidents, W. W. Longmoor and Virgil A. Lewis; Recording Secretary, Archer B. Hulbert; Corresponding Secretary, C. L. Martzoff; Executive Committee, Harry B. Mackoy, Samuel B. Harding, Frank P. Goodwin, and Charles T. Greve.

The Department of History of South Dakota is carrying on with success a variety of functions. It is the custodian of the State Library. Two features of this branch of the work are a collection of books by South Dakota authors or concerning South Dakota topics, and an extensive collection of books relative to the Sioux Indians. It is well worth the consideration of State Societies whether the collection of special works for which the State has peculiar advantages is not advisable rather than a too strenuous effort to gather works of a more general nature which are found in all large libraries. The Department has marked temporarily with wooden posts a number of historic sites, among others being the point of rescue of the Spirit Lake captives. It is the purpose to later mark these with granite monuments. Negotiations are progressing to make State parks of the sites of Old Fort Sully and Old Fort Pierre. The last legislature provided for a division of legislative reference in the Department and made an encouraging increase in the regular appropriation from \$3520 to \$5620. At present the Department occupies eight rooms in the old capitol building and finds itself seriously cramped. Ample quarters, however, will be given in the new capitol which will be ready for occupancy July 1, 1910.

In more than one third of the counties of Iowa there are mounds thrown up presumably by the aboriginal inhabitants of Iowa. An interesting work has recently been carried on by the Historical Department of Iowa in the excavation of a large mound near



Boone. The undertaking was planned by Mr. Aldrich and has been completed under the immediate direction of Mr. Van Hyning, who is in charge of the museum of the Department. Acting Curator E. R. Harlan has recently given out a brief description of the mound and its contents. The relic is one hundred ninety feet long, one hundred ten feet wide and fourteen feet in height. A very large number of fragments of pottery were scattered throughout the mound indicating vessels of two feet in diameter, and showing more than thirty patterns of ornamentation. Human skeletons in disconnected and incomplete conditions were found near the bottom. In one place was a floor of stratified stone about twenty-one by twenty-six feet in dimensions above which were the remains of a structure of stone and timber. The age of the mound is somewhat indicated by the existence upon the mound of two elm trees and one oak tree having a diameter of two feet each. The mound was, for a number of weeks, thrown open to the inspection of the public.

The Kentucky State Historical Society recently held their semi-annual meeting, the chief feature being an address by Governor Willson, ex-officio president of the organization. A committee was appointed to take up the matter of securing portraits, pictures, memorials, tablets and other mementos of Kentucky pioneers of note. This is perhaps the last meeting in the present rooms. With the completion of the new State Capitol, not only the Historical Society, which has been assigned quarters there, but the archives and all other historical interests of the State will have increased opportunity for development. The change of a seat of government, and in scarcely less degree, the removal from one capitol to another, is always, however, fraught with danger—namely the danger of loss of valuable records in the course of the transfer. This is particularly true of the older manuscript records. In too many States the more ancient manuscripts have been consigned in the course of years to out of the way places and at the time of moving have been forgotten or carelessly destroyed by an ignorant helper in the moving process. Because of their age and nature the loss of these records is irreparable. The time seems ripe for

Kentucky, when it comes into possession of its new capitol, to carefully gather together the precious records of its earlier history and make a beginning of a careful preservation, classification, and calendaring of its archive material. The history of the Commonwealth of Kentucky has been such that the early archives are of incalculable value not only to the State itself but to the entire Nation.

#### THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

The first mid-year meeting of the Mississippi Valley Historical Association occurred at Lake Minnetonka, Minnesota, on Monday and Tuesday, June 22 and 23, 1908. At the Monday morning session Dr. Warren C. Upham, Secretary of the Minnesota Historical Society, read a paper on *The Explorations of Verendrye and his Sons*; Dr. O. G. Libbey of the University of North Dakota discussed *The Archaeological and Historical Place of the Mandan Indians in the Northwest*. The third paper, on *The British Board of Trade and The American Colonies*, was by Dr. O. M. Dickerson of the Western State Normal School, Illinois. The afternoon session was devoted to informal conferences. In the absence of the scheduled leader, Colonel George W. Martin, Secretary of the Kansas State Historical Society, opened the discussion on *The Relation of State and Local Historical Societies*. The topic was further discussed by F. A. Sampson, Secretary of the State Historical Society of Missouri. A paper by Charles W. Mann of Lewis Institute of Chicago was read by proxy. It concerned *Coöperation among the Historical Agencies and Activities of the Mississippi Valley* and was the basis of remarks by Professor O. G. Libbey of North Dakota and Edgar R. Harlan, Acting Curator of the Historical Department of Iowa. Two addresses constituted the Monday evening session. The first was by the Vice President of the Association, Professor Clarence W. Alvord of the University of Illinois on *The Study and Writing of Local History in the Mississippi Valley*. The second was an address by Professor Benjamin F. Shambaugh of the University of Iowa on *Amana: The Home and Community of True Inspiration*. Dr. Reuben Gold Thwaites of the State Historical Society of Wisconsin opened the session Tuesday forenoon

with *The Story of Draper's Activities as a Collector*. Louis Pelzer of The State Historical Society of Iowa read a paper on *The Diplomatic Correspondence of Augustus Caesar Dodge*; and a paper by Dr. Lawrence M. Larson of the University of Illinois was read by proxy. It treated of *The Sectional Elements in the Early History of Milwaukee*. At the business session which was held on Tuesday afternoon the following officers were elected: President, Clarence W. Alvord; Vice President, O. G. Libbey; Secretary-Treasurer, Clarence S. Paine; Executive Committee, Benj. F. Shambaugh, Dunbar Rowland, and the three officers already named.

The following circular letter has recently been issued by the Mississippi Department of Archives and History. Among the many interests of that active organization is the attempt to publish a collection of the letters and speeches of Jefferson Davis. This letter is part of the effort to systematically canvass the country for Davis material and should meet with a hearty response.

#### TO THE PUBLIC:

The Mississippi Department of Archives and History has formulated a plan for the collection and publication of the writings and speeches of Jefferson Davis. In order that the undertaking may be successful, it will be necessary to secure the coöperation, not only of the historical societies and patriotic organizations which have original Davis letters, but also of individuals who have preserved them. Up to this time there has been no systematic effort made for the collection in one repository of the letters and speeches of Mr. Davis. These valuable historical materials that are still in private hands, will, in course of time, disappear or be destroyed if they are not collected and preserved in some central repository.

That the duty of preserving and publishing these records rests upon the Mississippi Department of Archives and History is very evident; and in response to the obligation, the Department issues this appeal for coöperation on the part of those who are interested in the preservation of historical materials, not only in the South, but in every part of the United States.

The papers of Mr. Davis are not preserved alone in the Southern States; while it is doubtless true that the greater part of them are in the South, it is well known that there are valuable collections in other parts of the country.

The true story of the Southern Confederacy, lies in the letters, speeches, and State papers of its leaders; and its best justification will come after such historical materials, have been made accessible to the truth-loving historian of the future.

The private and public papers of such Southern leaders as Calhoun, Davis, and Lee, will reveal, as nothing else can, the principles for which they con-



tended, and give to posterity the true estimate of their lives and deeds.

In order that those who are interested may know the kind of papers wanted, it may be well to state that all writings of Mr. Davis, public or private, official or unofficial, in manuscript or printed form, are worthy of preservation and are desired. In other words, any paper in his hand-writing or signed by him, is of value. The papers which are apparently of the least value may give impressions which are of the greatest historical importance. It has been truly said that the account books kept by Washington and Jefferson have afforded to historians an insight into their habits and characteristics which could not have been obtained from the Declaration of Independence or the Farewell Address. It may be gathered from this illustration that the private papers of great men are by no means unimportant to the historian.

The most valuable historical materials in the United States, relating to the American Revolution, are the original papers of such leaders as Washington, Franklin, Jefferson, and Madison, which are preserved in the Manuscript Division of the Library of Congress.

The most desirable form of historical material is the original document. It is often the case, however, that the owner of the original is unwilling to part with it, and an accurate copy is all that can be had. In gathering up the Davis writings and speeches it is the intention of the Mississippi Department of Archives and History to make the largest possible collection of originals that can be obtained. In the event that the original documents cannot be secured, copies, accurately made and certified, can be used to good advantage and will be gladly accepted; and when any expense is incurred, the amount expended will be returned. Where Davis collections are in the custody of historical societies or other patriotic organization, or where they are part of the National or State archives, permission to have copies made by persons designated by the officials in charge is requested. In the case of private collections, where the owners are unwilling to give up the original documents, but are willing to furnish, or allow copies to be made, it will be best to allow the original to accompany the copies for purpose of verification.

The collection and publication of the writings and speeches of Mr. Davis should strongly appeal to the people of Mississippi among whom his life was spent, it should also have the active coöperation of every patriotic organization in the South, and it is confidently believed that such an undertaking will command the sympathy of searchers for the truth everywhere. The Mississippi Department of Archives and History invites the coöperation of every historical agency in the United States which has Davis writings or speeches in its collections, and it solicits the active aid of those who have in their keeping the archives of the various Southern States in making a worthy undertaking a success. The Department appeals to Confederate Veterans, Sons of the Confederacy, Daughters of the Confederacy, Daughters of Confederate Veterans, and Memorial and Monumental Associations throughout the country to give active aid and support to a movement which has for its motive the preservation of truth.

Correspondence should be directed to the Director of the Department of Archives and History, Jackson, Miss.



## 494 IOWA JOURNAL OF HISTORY AND POLITICS

With the belief that the collection and publication of such historical materials will redound to the honor of the Southern people, and add something of permanent value to the history of the whole country, I am,

Yours respectfully,

DUNBAR ROWLAND.

Director Mississippi Department of Archives and History.  
Jackson, Mississippi, May 26, 1908.

### THE STATE HISTORICAL SOCIETY OF IOWA

In June the volume on *Amana: The Community of True Inspiration* was distributed. The price of this book is \$3.00, prepaid.

Mr. Louis Pelzer's volume on *Augustus Caesar Dodge*, which will appear in the *Iowa Biographical Series*, will go to press during the summer.

At the Minneapolis meeting of the Mississippi Valley Historical Association Professor Benj. F. Shambaugh delivered an address and Mr. Louis Pelzer read a paper.

Professor F. H. Garver, Research Assistant in the Society, has resumed his work as Professor of History and Political Science at Morningside College, Sioux City, Iowa.

Dr. John C. Parish, Assistant Editor for the Society, has been granted a leave of absence for the ensuing year. He will go to Europe where he will continue his studies in Mississippi Valley history among the archives of France and Spain.

At the meeting of the Board of Curators on July 1, 1908, the following officers of the Board and of the Society were elected: President, Peter A. Dey; Vice President, Isaac A. Loos; Treasurer, Lovell Swisher; Secretary, F. E. Horack.

The following have been elected to membership in the Society since April 1, 1908: Jerry B. Sullivan, Des Moines, Iowa; Mrs. H. J. Howe, Marshalltown, Iowa; Frank E. Landers, Webster City, Iowa; Dr. W. Ruml, Cedar Rapids, Iowa; H. C. Horack, Iowa City, Iowa.

Mr. John Sandham of Harlan, Curator of The State Historical Society of Iowa, has recently presented to the Society a large map

of the State published by Mills and Company in 1873. It is about seven by five feet in dimensions and shows townships and sections on a scale of four miles to one inch.

During the month of May, Dr. John C. Parish visited several points in Kentucky as well as Washington, D. C., in search for material relative to Governor John Chambers. During the summer Dr. Parish will probably complete his volume on *John Chambers* which will later be published by the Society in the *Iowa Biographical Series*.

## NOTES AND COMMENT

The Annual Banquet of the Bar Association of Polk County, was held at Des Moines on Monday evening, February 17, 1908. Upon this occasion an address was delivered by James B. Weaver, Jr., upon *Professional Ideals*, which has since been published in an eight page pamphlet.

A new historical magazine has made its appearance in Mexico which is said to be the first journal exclusively devoted to history that has been published in that Republic. It is entitled *Revista Histórica Mexicana* and the first number was issued in October, 1907. The editor is Mr. C. D. Lopez.

A movement has been begun by the Reorganized Church of Jesus Christ of Latter Day Saints to raise funds for the erection of a suitable monument to Joseph and Hyrum Smith. At a meeting at Nauvoo, Illinois, of the committee in charge of the matter, on May 28, 1908, it was decided to proceed with the soliciting of further means with the idea of placing the monument at Nauvoo.

In the death of George Nelson Black, on April 22, 1908, the cause of Illinois and western history has suffered a great loss. Mr. Black was one of the founders of the Illinois State Historical Society, and has been one of its directors since the date of its organization. Since 1897 he has also been a member of the Board of Trustees of the Illinois State Historical Library. Both institutions owe much to his energy and interest in State history.

The first trial of the Primary Law in Iowa took place on June 2, 1908, when votes of all parties were cast to determine the nominations for United States Senator, Congressmen, State, county, and township officers. The Democratic party nominated Claude R. Porter for the United States Senatorship, and Fred White as their candidate for Governor. The Republican party placed in nomination for the United States Senate, William B. Allison, and for Governor, Beryl F. Carroll.

The prize of seventy-five dollars offered by the Iowa Society of Colonial Dames of America for the best essay upon some subject in Iowa History was awarded to Kenneth W. Colgrove of Cedar Falls, Iowa, who wrote on *The Delegates to Congress from the Territory of Iowa*. Mr. Colgrove is a student at The State University of Iowa.

Three oil portraits have been added to the collection of The State University of Iowa. These are likenesses of Josiah L. Pickard, President of the University from 1878 to 1887, and of Leonard F. Parker and Stephen N. Fellows, for many years Professors in the College of Liberal Arts in the same institution. The portraits were presented to the University at the annual commencement exercises on Wednesday, June 17, 1908.

The people of Kansas are manifesting much interest in the marking and preservation of historic sites and buildings. During the summer nearly a score of spots of historical interest in the city of Lawrence will be marked under the direction of the Kansas State University. The walls of the building on the Fort Riley military reserve in which the first legislature met July 2, 1855, have recently been restored and cemented. An effort is being made among the women of Kansas to raise funds for the purpose of purchasing Pawnee Rock, a famous landmark on the Santa Fe Trail.

A Convention to revise the Constitution of Michigan was called by vote of the people in April, 1906. The Convention met on October 22, 1907, and adjourned February 21, 1908, having prepared a Constitution which will be submitted to the voters of the State for ratification at the general election in November, 1908. The framework of the Constitution remains practically as before; but several important changes have been introduced, among which may be noted a more specific establishment of local self-government, and a provision for the initiation of legislation by the people of the State.

Those Societies or individuals who are interested in the transcription of French manuscripts and documents and in the conduct of



researches of a historical nature among the sources of France, will be glad to know of the establishment for this purpose under the direction of L. Jacob, 17 rue de Sévigné, Paris. It is organized by specially trained and expert scholars and is recommended by the Department of Historical Research of the Carnegie Institution of Washington, after careful inquiry, as an establishment which is thoroughly competent and trustworthy and one which American historical societies, departments, and scholars can use with confidence.

The old Burlington University building at Burlington, Iowa, is being torn down, thus removing one of the educational landmarks in Iowa. The corner stone of the building was laid on July 4, 1853, the speakers on the occasion being George J. Johnson, Augustus Caesar Dodge, G. S. Barton, and Charles Ben Darwin. The building was occupied until 1900 by the Baptist school, known in its early years as Burlington University and later as Burlington Institute. The school had a somewhat checkered career, at times being in a flourishing condition and at other times barely able to continue its existence. In 1901 it was decided to give up the attempt altogether and the building was sold to the American Baptist Association of New York. In late years the building has been the home of a manual training school.

During the months of August, September, and October, a series of notable celebrations will be held in seven Illinois cities in commemoration of the semi-centennial of the Lincoln-Douglas debates of 1858. The general plan for these celebrations has been suggested by the Illinois State Historical Society which will co-operate with the local committees in each case. According to the plan suggested, the celebrations will be held as follows: Ottawa, Friday, August 21; Freeport, Thursday, August 27; Jonesboro, Tuesday, September 15; Charleston, Friday, September 18; Galesburg, Wednesday, October 7; Quincy, Tuesday, October 13; Alton, Thursday, October 15. The dates in each case are the anniversaries of the respective debates and it is hoped that the exercises shall be held as nearly as possible at the same hour and on the same spot as the original debate occurred.

## STEPHEN N. FELLOWS

On Tuesday, June 2, 1908, Dr. Stephen N. Fellows passed away at his home in Iowa City. The greater portion of Dr. Fellows's life was spent in Iowa where he took an active and influential part in affairs. He was born in New Hampshire in 1831 and his childhood days were spent at Dixon, Illinois. He came to Iowa early in life, and in 1854 he was elected to a position in Cornell College, where he remained until 1860. After seven years in the ministry he became the head of the Normal Department of the State University, in which institution he remained for twenty years. Much of his life since 1887 has been devoted to the ministry in the Methodist Episcopal Church, which in Dr. Fellows's death has lost one of its grand old men. Throughout his career Dr. Fellows took an active interest in temperance reform and served several terms as president of the State Temperance Alliance and later of the Anti-Saloon Ligue. Thus, as an educator, preacher, and moral reformer, Dr. Fellows spent his life in the service of his fellow citizens.

## J. SCOTT RICHMAN

With the death of Judge J. Scott Richman at his home in Bloomington Township, Muscatine County, on May 17, 1908, the last member of the convention which framed the Constitution of 1846 has passed from our midst. Judge Richman was born in Somerset, Perry County, Ohio, on March 11, 1820, and was of Dutch and English descent. His early life was spent in Pennsylvania, but at the age of eighteen he came west, and for a short time studied law at Knoxville, Illinois. In 1839 he settled at Muscatine, Iowa, and in September of that year was admitted to the bar. He took an active part in the deliberations in the Constitutional Convention in 1846, and in the following year served as Chief Clerk of the House of Representatives. He was a member of the General Assembly during the special session in 1856, and in 1863 was elected Judge of the Seventh Judicial District, which position he held for nine years. Since 1872 Judge Richman has continued in the practice of law, being in partnership with his brother, Frank Richman, at the time of his death.

J. Scott Richman was not only a pioneer and the nestor of the Iowa bar, but he was one of the builders of the State. Nearly seventy years of his life were spent in active and useful work in the State which he helped to organize out of a frontier community. He was a man of strong qualities, a representative of that class of men who were the nerve and backbone of the Commonwealth of Iowa during the days of its infancy and youth.

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### CONTRIBUTORS

DAN ELBERT CLARK, Research Assistant in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1908, p. 159).

FRANK HARMON GARVER, Research Assistant in The State Historical Society of Iowa. Professor of History and Politics in Morningside College. Member of the American Historical Association. Member of the American Political Science Association. Member of the Sioux City Academy of Science and Letters. Born at Albion, Iowa, 1875. Graduated from Epworth Seminary, 1895. Graduated from Upper Iowa University, 1898. Professor of History and Economics in Morningside College, 1898-1901. Fellow in History at The State University of Iowa, 1901-1902. Received the degree of M. A. at The State University of Iowa, February, 1908. Author of *Reminiscences of John H. Charles*.

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## THE HISTORY OF LIQUOR LEGISLATION IN IOWA 1878-1908<sup>1</sup>

The year 1878 may very appropriately be said to mark the line of division between two distinct epochs in the history of liquor legislation in Iowa. The period before 1878 may be called the formative period. During those years various methods of dealing with the liquor problem were tried, the people were forming ideas and developing strong temperance organizations, and by 1878 there had evolved a firm conviction in the minds of a majority of the people that absolute prohibition should be the rule in Iowa. The period since 1878 is clearly a constructive period in liquor legislation. Beginning with 1878 the efforts of temperance advocates have been centered about the one idea of absolute prohibition, and liquor laws have followed the same general tendency.

### THE CONSTITUTIONAL AMENDMENT CAMPAIGN INAUGURATED

It would perhaps be difficult to determine at just what time the idea of a prohibitory amendment to the Constitution began to take shape in the minds of its advocates. But it is evident that the first public announcement of such an idea was made at the annual convention of the Woman's Christian Temperance Union at Burlington (October 15 to 17, 1878) by Mrs. J. Ellen Foster, chairman of the committee on legislation.<sup>2</sup> In her report she recommended

<sup>1</sup>For a discussion of the history of liquor legislation in Iowa before 1878, see the writer's contributions in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. V, No. 2, p. 193; Vol. VI, No. 1, p. 55; and Vol VI, No. 3, p. 339.

<sup>2</sup>There has been some dispute, it seems, as to who originated the Prohibitory Amendment idea. Mr. B. F. Wright, of Charles City, claims this dis-

“that a form of petition be issued by our State Union, praying the next Legislature to pass a bill, submitting to the votes of the people an amendment to the constitution, forever prohibiting the manufacture and sale of intoxicating liquors, including wine, beer, ale and cider.” Mrs. Foster supported her recommendation by arguing that statutory enactments were subject to repeal at any time when the legislature for political reasons might see fit to do so, while a Constitutional amendment could only be repealed by a vote of the people. Moreover, she said the submission of an Amendment to the vote of the people would take the temperance question out of party politics and allow it to be decided upon its merits alone.<sup>3</sup>

The recommendation of Mrs. Foster was well received by the convention, and a plan for carrying on the work was adopted. On January 15, 1879, the Blue Ribbon State Convention adopted a conservative resolution favoring a Constitutional Amendment.<sup>4</sup> Six days later, on January 21, the State Temperance Alliance at its annual meeting heartily endorsed “the plan of submitting to the people of the State, at as early a date as possible under the constitution, an amendment to the constitution which shall be in so far as possible self operating in terms, and prohibiting under sufficient penalties, all traffic in all kinds of alcoholic liquors as a beverage, including ale, beer, wine and cider.”<sup>5</sup>

The coöperation of these three strong organizations tinction on the ground that he suggested the plan to Mrs. Foster; and Mrs. Foster herself admitted that the idea was not original with her but had been suggested to her by “a gentleman of Floyd County.” However, all this does not affect the fact that to Mrs. Foster is due the credit for opening the campaign.—See Fellows’s *History of Prohibition in Iowa*, p. 4; and also Alden’s *Prohibition Handbook for Iowa*, p. 8.

<sup>3</sup> *Proceedings of the Woman’s Christian Temperance Union of Iowa*, 1878, p. 6.

<sup>4</sup> *Dubuque Weekly Times*, Wednesday, January 22, 1879.

<sup>5</sup> *Proceedings of the State Temperance Alliance of Iowa*, 1879, pp. 27, 28.

brought into the Amendment campaign a large army of supporters. Moreover, the influence which the women were able to exert in the temperance cause had been fully demonstrated during the Woman's Crusade. The Blue Ribbon Reform Clubs all over the State embraced hundreds of earnest workers, and they were especially efficient in creating local sentiment in favor of the movement. But the State Temperance Alliance was perhaps the best equipped to carry on the campaign in an energetic and thorough manner. It had by this time branched out into county and township alliances and was thus in close touch with all parts of the State. And so, it was under auspicious circumstances that the Amendment idea was launched on its four years' campaign.

#### POLITICAL PARTIES AND THE AMENDMENT IN 1879

Opposition to Governor Gear on the part of the Prohibitionists again began to manifest itself early in 1879, when it became evident that he would be a candidate for re-election. Moreover, there was every probability that the Prohibitionists would place an independent ticket in the field. These two facts caused no little anxiety to the Republican leaders who remembered very distinctly the large vote polled by the Prohibitionists at the preceding gubernatorial election. Accordingly, Republican newspapers devoted considerable space to answering the charge that Gear was opposed to prohibition. One paper, especially, gave an account of Gear's public life as evidence of the fact that while in office he had never opposed any measure which the people demanded, and this, it claimed, was all that could be expected of any public official.<sup>6</sup> It became apparent that the temperance question would play a more important part in the campaign of this year than ever be-

<sup>6</sup> *Dubuque Weekly Times*, Wednesday, March 5, 1879.



fore, and so the various State conventions were awaited with some interest.

The early date at which the party conventions were held is further evidence that an unusually strenuous campaign was expected. The Democratic State Convention was held at Council Bluffs on May 21, 1879; the position of the party on the temperance question was stated in the platform by the declaration "That the Democratic party of Iowa is desirous of promoting temperance, and being opposed to free whiskey, it is in favor of a judicious license law."<sup>7</sup> One week later, on May 28, the Greenbackers held their convention at Des Moines, and took a neutral position by commending "the moral reform of men and the elevation of families by agencies of the temperance cause," and by demanding "the use of all just and legal means for the suppression of the evils of intemperance."<sup>8</sup> No notice of the Amendment movement was taken in the platforms of either of these parties.

It was on June 11, at Des Moines, that the Republican State Convention placed the following plank in its platform with surprisingly little opposition:

That we reaffirm the position of the Republican party heretofore expressed upon the subject of Temperance and Prohibition, and we hail with pleasure the beneficent work of reform clubs and other organizations in promoting personal temperance, and in order that the entire question of prohibition may be settled in a non-partizan manner, we favor the submission to the people, at a special election, of a constitutional amendment prohibiting the manufacture and sale of all intoxicating liquors as a beverage, within the State.<sup>9</sup>

The readiness with which the Republican party thus es-

<sup>7</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, pp. 115, 116.

<sup>8</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 118.

<sup>9</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXIII, No. 21, Friday, June 13, 1879.

poused the cause of the Prohibitory Amendment may be accounted for in several ways. In the first place, there were undoubtedly many men in the party who heartily wished to remove the temperance question entirely from politics, and who saw in the Amendment movement a means to this end. Moreover, if the Amendment were adopted by the people the party would receive the benefit of having supported it; whereas, if it were defeated, the party could no longer be expected to support a measure which the people did not desire. It is intimated also that the plank was a mere concession to the temperance people to induce them to vote for Gear at the coming election.<sup>10</sup> In addition to those who were influenced by these reasons of expediency and party preservation, there were of course many others who sincerely desired Constitutional prohibition and believed it to be the best solution of the liquor problem.

The majority of the Prohibitionists were naturally very much pleased with the stand taken by the Republican party, and the leading temperance papers as well as temperance leaders immediately began to oppose any effort to place a separate ticket in the field. They realized that such a proceeding would only tend to divide forces and decrease the chance of success, and they saw no reason for independent action when one of the old parties was pledged to support the Amendment movement. The opposition was especially directed against a certain Ward Sherman, the leading promoter of the third party idea, who openly avowed that he hoped a Prohibition ticket would be placed in the field which would poll votes "enough at least to defeat the Republican nominees."<sup>11</sup>

<sup>10</sup> Alden's *Prohibition Handbook for Iowa*, p. 9.

<sup>11</sup> *Weekly Iowa State Register* (Des Moines), Vol. XXIII, No. 25, Friday, July 11, 1879.

It was due largely to the efforts of Ward Sherman that a Prohibition State Convention was called to meet at Cedar Rapids on July 16, 1879. Only about seventy-five delegates attended, representing not more than one-sixth of the counties of the State. There was a sufficient number of conservatives present to defeat the proposition to nominate a State ticket, by a vote of forty-one to thirty-two. A platform favoring woman suffrage and prohibition, both statutory and Constitutional, was adopted.<sup>12</sup> The radicals, disappointed in the action of the convention, bolted and nominated a ticket consisting of D. R. Dungan, for Governor; Frank T. Campbell, for Lieutenant-Governor; J. M. Beck, for Judge of the Supreme Court; and J. A. Nash, for Superintendent of Public Instruction.<sup>13</sup> Campbell and Beck were also the Republican nominees for their respective offices, while Nash was taken from the Greenback ticket.

The entire Republican State ticket was elected by handsome majorities, Gear receiving approximately thirty-six thousand votes more than at his first election. D. R. Dungan, the Prohibition candidate for Governor, received only 3,291 votes—about one-third of the number received by Elias Jessup two years before. It is very evident that the eleventh plank in the Republican platform of 1879, whatever may have been the reasons for its adoption, resulted favorably to that party in this election.

#### THE AMENDMENT IN THE LEGISLATURE OF 1880

In Iowa all Constitutional Amendments must be passed by two successive General Assemblies before being submitted to a vote of the people. Consequently the advocates of the Prohibitory Amendment were anxious that the first

<sup>12</sup> *Dubuque Weekly Times*, Wednesday, July 23, 1879.

<sup>13</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, p. 116. Professor G. F. Carpenter was first nominated for Governor, but he promptly declined.

step should be taken by the legislature in 1880. On January 14 of that year the State Reform Club (as the State organization of the Blue Ribbon Reform Clubs was now called) met at Des Moines, and among other things passed a resolution asking the General Assembly "to take the necessary steps to submit" the Amendment to the people.<sup>14</sup> A week later the State Temperance Alliance at its annual meeting adopted a similar resolution.<sup>15</sup> It was charged that the Republican party had not been sincere in its declaration favoring the Amendment, and that it had not contemplated the prohibition of ale, wine, and beer. The *Iowa State Register*, a paper which throughout the campaign heartily supported the Amendment, insisted that the plank meant just what it said and that no evasion was intended. Moreover, it strongly urged that the legislature should carry out the pledge of the party and submit the Amendment to the people.<sup>16</sup>

The Eighteenth General Assembly convened on January 12, 1880, and it soon became apparent that the various temperance organizations throughout the State had been busily at work. Petitions, more numerous than ever before, signed by hundreds and thousands of people came in from nearly every county in the State, asking that a prohibitory amendment be submitted to a popular vote. There were also a number of counter petitions objecting to any such proceeding. In addition to these there were petitions both for and against the repeal of the wine and beer clause.<sup>17</sup>

On January 28, Mr. J. A. Harvey of Polk County intro-

<sup>14</sup> *Iowa State Register*, Vol. XIX, No. 13, Friday, January 16, 1880.

<sup>15</sup> *Iowa State Register*, Vol. XIX, Nos. 17 and 18, Wednesday, January 21, and Thursday, January 22, 1880.

<sup>16</sup> *Iowa State Register*, Vol. XIX, No. 48, Thursday, February 26, 1880.

<sup>17</sup> Public Archives, Office of the Secretary of State, Des Moines. See also *Journal of the Senate*, 1880, and *Journal of the House of Representatives*, 1880.



duced into the House of Representatives a joint resolution "Proposing to amend the Constitution so as to prohibit the manufacture and sale of intoxicating liquors within this State." After much debate, during which attempts were made to substitute license and local option for prohibition, the resolution passed the House on February 10, by a vote of seventy-eight to twenty-one.<sup>18</sup> It was then transmitted to the Senate where it was amended and passed by a vote of thirty to nineteen on March 12.<sup>19</sup> The House concurred in the Senate's amendment on March 16 by a vote of sixty-six to twenty-six,<sup>20</sup> and on the following day the resolution received the Governor's signature. The joint resolution thus approved, and as printed, reads as follows:

*Be it resolved by the General Assembly of the State of Iowa:*

That the following amendment to the constitution of the state of Iowa be and the same is hereby proposed: To add, as section 26 to article 1 of said constitution, the following:

SECTION 26. No person shall manufacture for sale, or sell or keep for sale as a beverage, any intoxicating liquors whatever, including ale, wine and beer.

The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

*Resolved, further,* That the foregoing proposed amendment be and the same is hereby referred to the legislature to be chosen at the next general election for members of the next general assembly, and that the secretary of state cause the same to be published for three months previous to the day of said election, as provided by law.<sup>21</sup>

<sup>18</sup> *Journal of the House of Representatives*, 1880, pp. 83, 137, 138, 139.

<sup>19</sup> *Journal of the Senate*, 1880, p. 323.

<sup>20</sup> *Journal of the House of Representatives*, 1880, p. 503. Further details in the legislative history of this resolution are given below in connection with the discussion of the decision of the Supreme Court which declared the Amendment invalid.

<sup>21</sup> *Laws of Iowa*, 1880, p. 215.

## HISTORY OF LIQUOR LEGISLATION IN IOWA 511

The period intervening between the introduction of the joint resolution and its final adoption was one of great suspense and anxiety to the friends of the Amendment, as well as to those most interested in opposing it. During the debate in the Senate, where it was recognized that the battle would be won or lost, the chamber was crowded to its utmost capacity with spectators. At times it was feared that the old building occupied by the legislature would not be able to bear the unusual burden. "The upper floors settled so that the office doors below would not open or close," but new supports were provided, and the debate continued with great earnestness on both sides.<sup>22</sup> The outcome as has been seen was a victory for the friends of the Amendment, and the pledge of the Republican party was redeemed so far as this legislature was concerned.

### THE LIQUOR LAWS OF 1880

In addition to the joint resolution proposing a Constitutional Amendment, the liquor problem was touched upon in three acts during the same session of the General Assembly. "An Act to Regulate the Practice of Pharmacy, and the Sale of Medicines and Poisons", contained a clause making it unlawful for druggists or pharmacists "to retail, or sell, or give away, any alcoholic liquors or compounds as a beverage."<sup>23</sup> Another act, approved on the same day, prohibited the furnishing or giving of intoxicating liquors "including ale, wine and beer, to voters at or within one mile of the polls, during the day upon which any election is held in this state, prior to the closing of the polls."<sup>24</sup> The only other instance of liquor legislation during this session was an act so amending the law in re-

<sup>22</sup> *Iowa City Daily Republican*, Vol. IV, No. 1153, Tuesday, March 2, 1880.

<sup>23</sup> *Laws of Iowa*, 1880, p. 74.

<sup>24</sup> *Laws of Iowa*, 1880, p. 79.

gard to agricultural fairs as to prohibit the sale of intoxicating liquors at State, as well as at County and District Fairs.<sup>25</sup>

#### THE AMENDMENT CAMPAIGN DURING 1880 AND 1881

Although the first step in the legal process for securing the Amendment had been taken successfully, the Prohibitionists realized that the struggle had only begun. Accordingly, during the interval until the meeting of the next General Assembly in 1882 every effort was made to keep the question before the public. The forces of the opposition also began to organize during this period; and on both sides preparations were made for the great contest which everyone realized would occur if the Amendment were submitted to the people.

Early in April, 1880, the Iowa Brewers' Association held a convention at Cedar Rapids and adopted a long series of resolutions. They denounced in strong terms both the Amendment movement and prohibition in general. Furthermore, they declared that "the prohibitionists having united in a strong organization, a strong organization must be formed to oppose it." They announced their determination to work for the election of men to office who were opposed to "all prohibitory laws and measures," and for this purpose they formed an organization "to be governed by a central committee consisting of five members, including the President of the association."<sup>26</sup>

Clear Lake seems to have been the Mecca of temperance workers at this time. In 1876, as has been shown, it had been the birthplace of the State Temperance Alliance. In August, 1880, the annual temperance jubilee was held at the same place, and it was at that time that there was

<sup>25</sup> *Laws of Iowa*, 1880, p. 139.

<sup>26</sup> *Iowa City Daily Republican*, Vol. IV, No. 1189, Monday, April 12, 1880.

organized the Iowa State Prohibitory Amendment Association, the principal object of which was, as the name indicates, to aid in the campaign for the Amendment. In the following year this association was incorporated, with a capital stock of \$100,000 and with Des Moines as the principal place of business. During the year branch associations were also formed in the several Congressional Districts.<sup>27</sup>

The Woman's Christian Temperance Union continued to give the Amendment movement its warmest support. Recognizing that money was necessary to carry on the campaign successfully, at a district convention held at Iowa City on September 1, 1880, it was recommended that "each County Union have a finance committee, . . . to solicit funds from the rural districts to aid the prosecution of the Constitutional Amendment work the coming year".<sup>28</sup>

During the autumn of 1880 there seems to have been some agitation in favor of calling a constitutional convention to revise the Constitution—especially with respect to the Judiciary and the control of the State over corporations. One argument advanced in support of such a project was that by this means the Prohibitory Amendment could be passed more promptly and effectively. It should be said, however, that the person who made this plea did not approve of the Amendment as proposed by the General Assembly, referring to it as "an obstruction rather than a help to the cause of temperance." "To frame the temperance amendment", said he, "so that it would really accomplish the object aimed at, would alone be a sufficient return for all the cost and trouble of a constitutional convention."<sup>29</sup>

<sup>27</sup> *Prohibition by Constitutional Amendment* (Cresco: 1881), pp. 3-9.

<sup>28</sup> *Iowa City Daily Republican*, Vol. V, No. 1313, Saturday, September 4, 1880.

<sup>29</sup> Communication signed "H" in *Iowa City Daily Republican*, Vol. V, No. 1360, Friday, October 29, 1880.



It appears that a convention of brewers and liquor dealers was held at Des Moines, January 19, 1881, and an organization known as the Protective Association of the State of Iowa, was formed. Detailed plans were made for carrying on the fight against the Amendment, for which purpose a large fund of money had already been raised. At the same time that the brewers were making these plans, a temperance convention was being held in the same city. The Prohibitory Constitutional Amendment Association of the Seventh District of Iowa was organized, and the members declared that to receive their support candidates for seats in the legislature must not only be in favor of the Amendment, but must be men whose past lives gave evidence that they would not yield to "the influence or money of the rum power."<sup>30</sup>

In each of the three party platforms of 1881 the Amendment question received due attention. At the Democratic State Convention at Des Moines, June 16, a petition from the Woman's Christian Temperance Union was presented, asking the convention to embody in its platform a resolution favoring the submission of the Amendment. In this petition the Democratic party was given the credit for enacting the prohibitory law of 1855.<sup>31</sup> The members of the convention, however, were not to be inveigled from the accustomed position of the party, for in the second plank of their platform they expressed opposition to "all sumptuary laws, and the proposed prohibitory amendment to the constitution in all its steps and stages, as the most offensive form of sumptuary regulation." The Greenbackers stated their belief that all great public questions should be decided by the people, and favored the submission of the Amendment. And the Republicans declared that the pledge

<sup>30</sup> *Iowa State Register*, Vol. XX, No. 17, Thursday, January 20, 1881.

<sup>31</sup> *Iowa State Register*, Vol. XX, No. 144, Friday, June 17, 1881.

made by the party in 1879 should be fulfilled "in order that the good faith of the party may be maintained, and that the people in this government of the people, by the people, and for the people, may have an opportunity to express their wishes concerning the pending amendment, regardless of party affiliations, and with perfect freedom from all party restraint and influences."<sup>32</sup>

The Prohibitionists placed no ticket in the field during this campaign, but concentrated their efforts in the endeavor to secure the election of Republicans who favored the Amendment. Especially was this true in regard to candidates for the legislature, for there is evidence that in many districts the temperance question was the leading issue.<sup>33</sup> Aside, however, from these local contests the Amendment movement seemed to have little effect on the result of the election. The total vote cast was much smaller than at the election two years before; but the Republican candidates on the State ticket were chosen by large majorities.

As the Amendment campaign progressed the leaders in the movement were urgent in their appeals to the temperance people to make greater exertions. They complained that the forces of opposition were busy at work, while the friends of the Amendment did very little but pray. This complaint was well grounded—at least as far as the first part of it was concerned. An interesting instance of the activities of the liquor dealers may be seen in a meeting held at Iowa City in November, 1881, by the brewers and saloon-keepers of that place. They effected a strong local organization for the purpose of protecting their business interests, and in a series of resolutions they made the sig-

<sup>32</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. I, pp. 123, 124, 125, 126.

<sup>33</sup> *Iowa City Daily Republican*, Vol. VI, No. 1615, Wednesday, August 31, 1881.

nificant declaration "That it shall be the duty of every member to abide *strictly* by the laws of the *general* government of the United States and the laws of this *city*."<sup>34</sup>

#### THE AMENDMENT IN THE LEGISLATURE OF 1882

The Nineteenth General Assembly convened on January 9, 1882, and again for three months the legislative proceedings were watched with great interest by those most concerned in the Amendment movement. In his inaugural address, delivered January 12, Governor Buren R. Sherman touched upon the temperance question—the first official mention of this subject by any Iowa Governor since 1854. He favored submitting the Amendment to the people, not only that the pledge of the Republican party might be fulfilled, but because he believed it to be "the right of the people to be heard upon all questions affecting the public welfare."<sup>35</sup>

In the Senate the opposition to the Amendment was confined largely to efforts to cause delay in voting on the question of its submission. An unsuccessful attempt was made to pass a resolution requesting the Attorney-General to express an opinion upon the question: "Does the Constitution require that a member of the legislature in voting for the proposed prohibitory amendment to the Constitution should agree to and approve the same, or does he vote upon the question of submission regardless of his own opinion." On February 22 a resolution was introduced declaring that in case the Amendment should be adopted, provision should be made for "fair and adequate compensation" by the State for all property confiscated thereby.

<sup>34</sup> *Iowa City Daily Republican*, Vol. VI, No. 1683, Monday, November 21, 1881.

<sup>35</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, pp. 237, 238.

It was urged that under protection of the law "four million dollars" had been invested in the manufacture of beer, and that without some compensation the Amendment would be unjust and oppressive. This resolution was referred to the Committee on Ways and Means, but was not reported favorably by them. Finally, however, on March 2 the Senate, by a vote of thirty-five to eleven, adopted a joint resolution agreeing to the Prohibitory Amendment as proposed by the preceding General Assembly.<sup>36</sup>

A question which was troubling the minds of some people at this time—especially the people of Des Moines—was as to whether the Amendment would prohibit the manufacture of liquor for exportation. A large establishment known as the International Distillery had just been put into operation at Des Moines, and the people of that city were anxious that it should not be put out of business. The *Iowa State Register*, which from the first had supported the Amendment movement, stated that as a police measure it had favored and would still favor the Amendment; but that if it were intended to prohibit manufacture for exportation, it would withdraw its support. It appealed to the legislature to settle the question by defining the real meaning of the Amendment.<sup>37</sup> In response to this desire on the part of a portion of the people, the Senate, late in the session, passed a resolution declaring that the Amendment was intended to prohibit the sale and manufacture for sale as a beverage within this State "of all intoxicating liquors, including ale, wine, and beer," but that it "was not designed to prohibit the manufacture, sale, or keeping for sale of such liquors for any or all other purposes."<sup>38</sup>

<sup>36</sup> *Journal of the Senate*, 1882, pp. 161, 195, 259, 322.

<sup>37</sup> *Iowa State Register*, Vol. XXI, No. 44, Tuesday, February 21, 1882.

<sup>38</sup> *Journal of the Senate*, 1882, pp. 501, 502.



This interpretation was received with disapproval by those opposed to the Amendment. One member of the Senate objected to the resolution on the ground that it could have no legal effect in binding the courts, and hence might mislead the people. The Keokuk *Gate City*, a paper which was strongly opposed to the Amendment, declared that in the light of this interpretation it was "immoral, impious, dishonest, flagitious and an enormity. . . . The other States get the drinking", said the editor, "and we get the proceeds. The other States suffer the ills of intemperance and we make money out of it. We cannot buy a tablespoon of whiskey for ourselves, but we can make and sell it by the barrel to our fellow-citizens of other States."<sup>39</sup>

In the House of Representatives the opposition followed the same tactics as those adopted in the Senate. The same series of resolutions was introduced in the attempt to discredit the Amendment and draw off its supporters, but with as little success, for each resolution was immediately laid on the table. On March 9 the Senate joint resolution agreeing to the Amendment was concurred in by a vote of sixty-four to twenty-nine.<sup>40</sup> Governor Sherman affixed his signature on March 13,<sup>41</sup> and the second step in the amendment process had been taken.

It remained for the General Assembly to submit the Amendment to the vote of the people and fix the time for holding the election. By an act of March 31 the necessary provisions were made, and a special election was called for June 27, 1882. Except that the ballots were to have written or printed upon them the words, "For the adoption of the amendment", or "Against the adoption of the amend-

<sup>39</sup> Quoted from *The Gate City* (Keokuk) in the *Iowa State Register*, Vol. XXI, No. 69, Wednesday, March 22, 1882.

<sup>40</sup> *Journal of the House of Representatives*, 1882, pp. 208, 209, 210, 440.

<sup>41</sup> *Laws of Iowa*, 1882, p. 178.

ment", the election was to be conducted in the same manner as the general elections.<sup>42</sup> Provision was made by another act for the termination of all wine and beer licenses on the first day of May following the date on which the license had been granted.<sup>43</sup>

#### THE LAST MONTHS OF THE CAMPAIGN

The Prohibitory Amendment had passed the legislature and now the campaign was on in dead earnest. Before this time all the preparations had been tentative, but now that it was definitely decided that the question should be submitted to the people both sides began seriously to gather their forces for the impending struggle. The official call for the election was made by Governor Sherman in a proclamation of May 8, which included the exact text of the proposed Amendment, corresponding word for word with the joint resolution as printed in the laws of 1880.<sup>44</sup>

Almost immediately after the action of the legislature was made known Aaron Kimball, President of the State Temperance Alliance, issued an address to the people of the State, in which he urged all friends of the Amendment "to see that every school district, hamlet, ward, township, county and district of the state is thoroughly aroused and organized." "Let no honorable effort be spared;" he appealed, "but let public meetings and free discussions be held in every neighborhood, and let the press, the rostrum and the pulpit all unite in this good work."<sup>45</sup> That this appeal should be heeded was but natural, for it was a matter which affected every village, town and city in the State. Probably never in the history of this State has there been

<sup>42</sup> *Laws of Iowa*, 1882, pp. 164, 165.

<sup>43</sup> *Laws of Iowa*, 1882, p. 125.

<sup>44</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 383.

<sup>45</sup> Fellows's *History of Prohibition in Iowa*, p. 5.

such universal discussion of the temperance question as during the months immediately preceding the vote on the Prohibitory Amendment.

The State Brewers' Association held a convention at Des Moines on April 12 and 13 and made extensive plans for fighting the Amendment. In a series of resolutions they declared that they would never "knowingly support for office or place of trust any one who shall vote for this proposed outrage upon our property and rights." Furthermore, they threatened the Republican party with defeat if it continued to support "fanaticism". In order to raise funds to carry on the campaign an assessment of two per cent per barrel was levied upon the beer manufactured during the preceding year. This tax brought in nearly six thousand dollars. A committee of one from each Congressional District was appointed to act through an executive committee in directing the campaign. Provision was also made for a generous use of campaign literature. In an address to the people the complaint was made that the Amendment would be an injustice to the brewers who had invested their money in a business which had been permitted by the wine and beer clause of 1858.<sup>46</sup>

The reply to this argument against the Amendment was that the saloon-keeper was himself to blame for the agitation in favor of total prohibition. "His violation of the liberal law, in Iowa, which gave him the opportunity to sell light liquors, but not the others", said one editor, "his growing abuse of the liberty it gave him, and his steady defiance of its penalties, his offensive and provoking contempt for public opinion and statute law, are the things that he can thank for the storm that is now gathering about his head to sweep him out of business altogether."<sup>47</sup>

<sup>46</sup> *Iowa State Register*, Vol. XXI, No. 88, Thursday, April 13, 1882. Also *Iowa City Daily Republican*, Vol. VI, No. 1796, Saturday, April 15, 1882.

<sup>47</sup> *Iowa State Register*, Vol. XXI, No. 61, Sunday, March 12, 1882.

While the Republicans generally were supposed to be in favor of the Amendment and the Democrats as a party to be opposed to it, no strict party line seems to have been drawn between the supporters and opponents of the measure. Many prominent Democrats came out boldly in favor of the Amendment, while many Republicans were active in working against it. The Democratic press as a whole assumed an attitude either of opposition or of neutrality, while the leading Republican newspapers were about evenly divided on the question. There is evidence also that many liquor dealers favored the Amendment on the grounds that it could give them no more annoyance than the existing prohibitory law and it would exempt them from heavy licenses on beer and wine, the sales of which constituted only a small portion of their business.<sup>48</sup> Thus it is evident that it would not be correct to say that any one party or class of people as a whole favored or opposed the Amendment.

As the day of election drew near much excitement was manifest all over the State, and both sides labored assiduously to win votes. The dramatic elements in the contest evidently appealed to one editor for he spoke of the impending struggle in the following words:

The two armies in the contest over the amendment move into the field to-morrow for the contest on Tuesday. To-day the two legions are passing by; to-morrow they will be camped on the threshold of the day of conflict, each under its own colors. . . . No fairer army ever moved under fairer banners than that which is going now into the field of open contest to battle for the amendment. . . . Never before, in a single day, and with a common step, did so many men ever move forward in a solid column under the white banner of temperance. . . .

Here is the other army—the army of occupation, silent, sullen and dark. It puts no song on the air, and has no flag to give to the breeze, and no voice in all the earth praying for it, and not

<sup>48</sup> *Iowa City Daily Republican*, Vol. VI, No. 1837, Tuesday, June 6, 1882.



a human heart that beats which is beating for it with either the hope or fear of love. . . .

We beg of the men of Iowa, and challenge them on their manhood, and on their love of home, here to look duty in the face, and never to give their right arm to the task of casting a vote that they cannot explain in good temper now and without shame hereafter.<sup>49</sup>

#### ARGUMENTS FOR AND AGAINST THE AMENDMENT

Before proceeding to discuss the election and its results it may be well to sum up in a general way the arguments for and against the Amendment as expressed at various times during the progress of the campaign.<sup>50</sup> Obviously any such summary will include also the leading arguments for and against prohibition as a principle. Reversing the order usually pursued in debate the argument of the opposition will in each case be stated first, followed by the reply of the supporters of the Amendment.

The argument most frequently used against the Amendment, as well as against all prohibitory measures both before and since 1882, was that it was contrary to the spirit of American institutions and a violation of personal liberty; that the right to drink liquors was a right of the individual of which he could not be deprived; and that the right to drink intoxicating liquor implied the right to sell it. Advocates of the Amendment, on the other hand, contended that the prohibition by law of murder, thieving, gambling, and other practices dangerous to the public welfare had long been recognized as legitimate and necessary; that the use of intoxicating liquor was largely responsible

<sup>49</sup> *Iowa State Register*, Vol. XXI, No. 151, Sunday, June 25, 1882.

<sup>50</sup> The arguments here enumerated are gathered from scattered sources to which specific reference is hardly necessary. It must not be thought that all of the arguments on either side were advanced by any one class of people. The Amendment was supported and opposed for very different reasons by different people.

for all crimes; and that, therefore, it should be prohibited, even though the rights of a few individuals were sacrificed for the good of the whole community.

Probably the strongest argument used against the Amendment as such was that the Constitution was no place for a provision which was in nature a police regulation and, therefore, should be left to legislation. Furthermore, it was urged that the best method of dealing with the liquor traffic was a matter which would always vary with changing conditions, and that it would be unwise to bind the State to any one policy which could only be departed from through the tedious process of again amending the Constitution. The Prohibitionists replied that this was exactly what they desired. Prohibition was, and would continue to be, the best means for the suppression of intemperance, and the entire question should be put entirely beyond the control of party politics and the varying whims of legislators.

Another objection declared that the Amendment was impracticable. Statutory prohibition, it was contended, had never been a success and no greater heed would be given to a constitutional provision which depended entirely upon legislation for its enforcement, and thus there would be created through habitual violation a general disrespect for law. In rebutting this argument the friends of the Amendment asserted that prohibition had been more successful than any other plan yet used in dealing with the liquor problem and could be strictly enforced; and, moreover, in the matter of legislation the General Assembly was bound to support the Constitution.

Two prominent arguments against the measure that have already been noted were: (1) that it would unjustly deprive liquor dealers of the property in which they had invested their money under protection of law, and (2) that there

was little virtue in prohibiting the manufacture of liquors for home consumption when it could be manufactured for outside trade. The reply to the former objection was, as has been suggested, that the liquor dealers had by their own conduct brought down the storm upon their heads; and moreover, that it had often been found necessary to confiscate property which was a nuisance or dangerous to the general welfare. In regard to the exemption in favor of manufacture for exportation, it was pointed out that the Amendment was in strict conformity with the existing prohibitory law which the opposition insisted was all the legislation that was necessary.

These seem to have been the leading points in the debate on the Amendment as it was waged in the press and on the platform. There was also some disagreement as to the effect of absolute prohibition upon the price of grain and on immigration into the State. It was contended by some that if beer and lighter drinks were prohibited more whiskey and strong liquor would be consumed. On the contrary, it was replied that no more whiskey would be disposed of than was at that time being sold in violation of law, and that with wine and beer under the ban the sale of the stronger drinks could be the more easily controlled. The moral aspects of the question also received attention, especially from the friends of the Amendment. There doubtless were other disputed questions, but in general it may be said that the discussion centered around the points here enumerated.

#### THE ELECTION AND ITS RESULTS

Tuesday, June 27, 1882, the day set for the election on the Prohibitory Amendment, dawned upon a people deeply agitated. Upon the vote cast that day would rest the triumph or defeat of a movement which had been inaugurated

four years before and which had aroused the warmest feelings of support and opposition. Probably never in the history of Iowa has there been another election attended by so many strange demonstrations. The friends of the Amendment were far more active than their opponents. In many places men, women and children, clergymen and laymen alike, were present at the voting places, distributing ballots and soliciting votes for the Amendment. Free lunches were served near the booths by the Woman's Christian Temperance Union; children paraded the streets carrying temperance banners; and all-day prayer meetings were held in the churches. In some cases the church bells were rung every hour during the day, and when in the evening it was learned that the Amendment was probably victorious the air was filled with their peals. The saloons all over the State were closed during the day and good order generally prevailed.<sup>51</sup>

When all the returns were made and the results canvassed it was found that the Amendment had been adopted by a majority of 29,759, there having been cast 155,436 votes for, and 125,677 votes against it. Seventy-five counties declared in favor of the Amendment, twenty-three were opposed to it, and in one county the vote was a tie. Polk County gave the largest majority in favor of the Amendment while Dubuque County led in the opposition. It is interesting to note that ten counties which had voted for the prohibitory law of 1855 now declared against the Amendment, and on the other hand, twenty-three counties which had opposed prohibition in 1855 now voted in favor of it.<sup>52</sup>

<sup>51</sup> For accounts of scenes on election day, see the *Iowa State Register*, Vol. XXI, No. 153, Wednesday, June 28, 1882 and the *Iowa City Daily Republican*, Vol. VII, No. 1856, Wednesday, June 28, 1882 (extra); also Fellows's *History of Prohibition in Iowa*, p. 6.

<sup>52</sup> *Iowa Official Register*, 1889, pp. 207, 208.



The victory for the Amendment has been accounted for in various ways. It has been asserted that thousands of Republicans voted for the measure simply because its submission had been favored by their party, and that many Democrats had cast an affirmative vote in the hope that if the Amendment was adopted it would prove the downfall of the Republican party.<sup>53</sup> These, of course, are charges for which it would be somewhat difficult to produce absolute proof. Indeed, a comparison of the vote on the Amendment with the vote for Secretary of State in the autumn of the same year, would hardly justify this view of the result. Governor Sherman, in writing of the election, stated it as his opinion that neither personal considerations nor party affiliations governed the result. "There were many instances", said he, "where men of high character and rigidly temperate habits worked and voted against the proposed amendment. On the other hand, large numbers of persons of grossly intemperate habits voted for it." Furthermore, he declared that the issue was "wholly divorced from party politics. The election was a special one, where no other question was pending, and was, in the strictest sense, non-partisan."<sup>54</sup> It must be remembered, however, that Governor Sherman was a Republican and that the Republicans were not at all anxious to claim credit and glory for the adoption of the Amendment.

A word should be said in this connection concerning the attitude taken by the foreign-born population of the State upon the Amendment question. The nationalities most numerous represented in this foreign population were the Germans, the Swedes, the Norwegians, and the Danes.

<sup>53</sup> Faulkes's *Iowa's White Elephant, Being a Review of the Rise and Fall of Prohibition in the State of Iowa*, p. 21.

<sup>54</sup> Article by Buren R. Sherman on *Constitutional Prohibition*, in the *North American Review*, 1882, pp. 525-535.

As a general statement it may be said that of these four classes the Germans and Danes were mostly opposed to prohibitory measures and favored a license system, while the Swedes and Norwegians to a great extent favored the Amendment. Governor Sherman, in connection with the statements mentioned above, denied the charge that the foreign-born population was largely responsible for the liquor traffic, and said that not only were a majority of the saloon-keepers native-born, but the election returns showed that in some counties as many as three-fourths of the foreign-born citizens had voted for the Amendment.

#### THE EFFECT OF THE AMENDMENT

On July 29, 1882, Governor Sherman issued a proclamation declaring that the Amendment had been legally adopted, and that it was "a true and valid part of the constitution of the State of Iowa".<sup>55</sup> Naturally the success of the Amendment was a source of joy to the Prohibitionists and a disappointment to those who opposed it. Many brewers, distillers, and liquor dealers, especially in the river counties, began immediately to make preparations to remove across the river into the neighboring States. On July 27 a temperance convention, composed of from three to four hundred delegates, was held at Des Moines for the purpose of devising means of enforcing the Amendment. It was recommended that immediate legislation was needed to provide penalties for selling ale, wine, and beer, and there was a suggestion that a special session of the General Assembly should be called for that purpose. An address was issued to the liquor dealers of the State asking them to peaceably obey the provisions of the Amendment, and a resolution was adopted requesting the Congressional delegation to

<sup>55</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 386.

formulate and work for a law giving States which in their constitutions prohibited intoxicating liquors the right to restrict the importation of such liquors into the State.<sup>56</sup>

There was some discussion throughout the State as to the date when the Amendment would be in force. Some people thought that it would not take effect until a special act for that purpose had been passed by the legislature, but the legal opinion was that it had gone into effect immediately upon adoption and that no legislation was necessary.

The Republican State Convention was held at Des Moines on August 2, and although an effort was made to secure a declaration favoring the enforcement of the Amendment the platform was silent in regard to the temperance question. For this reason the party was branded with cowardice and bad faith by the radical Prohibitionists. The Democrats, meeting in convention at Marshalltown two weeks later, declared that "the Democracy of Iowa are opposed to all sumptuary enactments; while we deplore the passage of the prohibition amendment to the constitution, we are resolved by every legal means to eliminate the obnoxious measure from the constitution of the State."<sup>57</sup> After the close of the campaign of that year (which, it should be remembered, was not a gubernatorial campaign) it was asserted that the Amendment had cost the Republicans two Congressmen and had led to the defeat of that party in many localities. It was also said that the Anti-Prohibitionists were leaving the Republican party in large numbers, and the prediction was made that another such year would mean the election of a Democratic legislature.<sup>58</sup>

In many towns of the State provisions were made for

<sup>56</sup> *Iowa City Daily Republican*, Vol. VII, No. 1881, Friday, July 28, 1882.

<sup>57</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. II, pp. 54, 56.

<sup>58</sup> Quoted from *The Glenwood Opinion* and *The Fort Dodge Messenger* in the *Iowa City Daily Republican*, Vol. VII, No. 1985, Sunday, November 26, 1882.

the enforcement of the Amendment by the passage of ordinances prohibiting the sale of ale, wine, and beer, and fixing penalties for their violation. In the majority of cases which came before the lower courts it was decided that the Amendment made liquor-selling unlawful and therefore a nuisance which might be abated in the usual way in the absence of any legislation imposing penalties.<sup>59</sup> In some localities, however, where the Amendment was not regarded with favor, a plan of nullification was adopted similar to that charged against Council Bluffs where it was said the "City Council of Council Bluffs have entered into agreement with the saloon keepers of that city, whereby the latter are to continue business, and are to be fined monthly or quarterly, the fines during the year to amount to a good round license."<sup>60</sup>

#### THE AMENDMENT DECLARED INVALID

The Amendment had not long been in operation before it was hinted that it had not been passed in a legal manner. A friendly case to test this point was instituted by two Davenport brewers, Koehler and Lange, and John Hill, a saloon-keeper. The case was brought up for hearing at the October (1882) term of the Scott County District Court, over which Judge Walter I. Hayes was presiding. It was an action to recover one hundred dollars for a quantity of beer sold and delivered by Koehler and Lange, the plaintiffs, to John Hill, the defendant. Hill held that he could not lawfully be forced to pay for beer sold in violation of the Constitution. The plaintiffs replied that the Amendment had not been passed in accordance with the manner provided in the Constitution and was therefore invalid. Judge Hayes decided in favor of the latter contention and

<sup>59</sup> *Iowa City Daily Republican*, Vol. VII, No. 1959, Friday, October 27, 1882.

<sup>60</sup> *Iowa City Daily Republican*, Vol. VII, No. 1877, Monday, July 24, 1882.



pronounced judgment upon the defendant. An appeal was taken to the Supreme Court of the State.<sup>61</sup>

The case thus appealed came before the Supreme Court at its December term in 1882, and was argued on both sides by some of the most prominent lawyers in the State. Among the counsel for the appellant were Smith McPherson, then Attorney-General, William E. Miller, J. A. Harvey, James F. Wilson, C. C. Nourse, and John F. Duncombe. Representing the appellees there were such men as John C. Bills and George G. Wright. The opinion of the Court, declaring the Amendment invalid, was delivered on January 18, 1883, by Judge William H. Seevers, and was concurred in by Chief Justice James G. Day and Judges James H. Rothrock and Austin Adams. Judge Joseph M. Beck delivered a lengthy dissenting opinion.<sup>62</sup>

The only question which the Court felt itself called upon to determine was whether or not the Amendment had been constitutionally agreed to and adopted. "The validity of the amendment", run the words of the opinion, "and whether the same now constitutes a part of the Constitution, depend upon the question whether the Eighteenth General Assembly agreed to the amendment which was ratified and adopted by the electors, and whether the amendment was agreed to by the Eighteenth General Assembly in the form and manner required by the Constitution."

The legislative history of the Amendment was discussed in detail. It was shown that the joint resolution proposing

<sup>61</sup> *Iowa City Daily Republican*, Vol. VII, No. 1965, Friday, November 3, 1882.

<sup>62</sup> That these opinions were delivered on January 18, 1883, is shown by statements in newspapers of the following day.—See *Iowa City Daily Republican*, Vol. VII, No. 127, Friday, January 19, 1883. In the *Supreme Court Reports*, however, these first opinions are printed together with the opinions on the petition for a rehearing delivered at the April term, 1883.—See *Koehler & Lange vs. Hill*, 60 Iowa 543.

such a measure was first introduced in the House of Representatives, where it was agreed to and sent to the Senate. In the Senate, after various amendments had been offered, the following substitute for the House resolution was introduced:

No person shall manufacture for sale, or sell, or keep for sale, as a beverage, or to be used for such purpose, any intoxicating liquors whatever.

This substitute was amended by adding after the word "whatever" the words "including ale, wine, and beer" and by striking out the words "for such purpose". With these amendments the substitute was adopted and reads as follows:

No person shall manufacture for sale, or sell, or keep for sale, as a beverage, or to be used, any intoxicating liquors whatever, including ale, wine and beer.

This substitute having been adopted, the joint resolution was considered engrossed, "read a third time, and agreed to by the Senate, as shown by the journal," and sent back to the House of Representatives. In the House the Senate substitute was concurred in. The joint resolution was then enrolled and signed by the Speaker of the House and the President of the Senate and approved by the Governor. The Amendment thus proposed, agreed to by the Nineteenth General Assembly and ratified by the people, reads:

No person shall manufacture for sale, or sell, or keep for sale, as a beverage, any intoxicating liquor whatever, including ale, wine and beer.

The important point to be noted is that the Amendment, as agreed to by the Nineteenth General Assembly and submitted to the people, did not contain the words "or to be used" as included in the substitute resolution adopted by the Senate and placed in its journal. Therefore, the court held that the Amendment submitted to the people and ap-

proved by them was not identical with the resolution adopted by both Houses of the Eighteenth General Assembly and was invalid, since the Constitution expressly provided that the same amendment should pass through all the successive stages in the process.

Furthermore, the Constitution provides that all amendments must be entered upon the journals of both Houses of the General Assembly at which they are proposed. The Court held that in this instance the word "entered" meant "entered in full." The Senate had fulfilled this requirement, but the House of Representatives had failed to do so, in that its journal did not contain the text of the proposed Amendment as adopted by that body after concurring in the Senate substitute; and for this reason also the Court declared that the Amendment had not been adopted in a constitutional manner.

The counsel for the appellant had argued that the enrolled joint resolution was the authoritative statement of the action of the Eighteenth General Assembly. The Court replied that the Constitution said nothing whatever concerning the enrollment, signing, or executive approval of a proposed amendment, and therefore any of these three proceedings was unnecessary and could not be treated as primary evidence. The journals of the two Houses, they declared, must in this case be regarded as final authority for the action in those two Houses, and no other evidence of what had been done or what had been intended could be admitted. Therefore, since the journals of the two Houses did not show that the same resolution had been adopted by both Houses, and since the joint resolution itself was not entered in full on the journal of one House, the Amendment was invalid and could not be recognized as a part of the Constitution.

Judge Beck in his dissenting opinion took the ground

that the enrolled joint resolution should be regarded as "the ultimate and authoritative expression of the legislative will." He also insisted that the word "entered" did not necessarily mean "entered in full", and contended that although the journal of the House of Representatives did not contain the full text of the proposed Amendment, it did contain many references to that measure by title and statement of general content, and that therefore the provision in the Constitution had been complied with. Finally, he held that the matter of proposing amendments was entrusted to the legislative department, which should be the sole judge of the regularity of its own proceedings. The Nineteenth General Assembly, he said, had determined that the joint resolution had been adopted "in due form" by the preceding General Assembly, and had been entered upon the journals of both Houses, and he held that it was not the business of the Court to inquire further.

#### THE PETITION FOR A REHEARING

The decision of the Supreme Court was a great disappointment to the Prohibitionists and a source of elation to their opponents. The attitude taken in various parts of the State is fairly well indicated by the comments in the different newspapers. The *Muscatine Journal* criticised the principle of deciding questions on mere technicalities and quoted a saying of Horace Greeley to the effect that "as this is not common sense, we suppose it must be law", but did not charge the judges with dishonesty or bad faith. The *Davenport Democrat* said that while the decision was received with considerable satisfaction in that city, there was no general demonstration. The *Council Bluffs Nonpareil* approved of the decision as removing a dangerous provision from the Constitution. The *Iowa Capital* said: "We haven't time to say much—and don't feel like it, any-



way.'" Other papers were loud in their denunciation of the judges, while still others openly expressed their satisfaction at the defeat of the Amendment.<sup>63</sup>

On February 7, 1883, a temperance convention, attended by over seven hundred delegates, was held at Des Moines. Great disappointment at the defeat of the Amendment was manifested, but to show that they were not disheartened plans were made for an effort to retrieve the loss. The committee on resolutions made a majority report which reviewed the situation and demanded that a movement for a resubmission of the Amendment be begun at the next session of the legislature. The minority report recommended that the Governor be asked to call a special session of the General Assembly for the purpose of resubmitting the Amendment. After much discussion the minority report was adopted by a two-thirds vote.<sup>64</sup> Governor Sherman, however, refused to call an extra session, giving as his reason that a constitutional amendment could not be proposed except at a regular session, and that the occasion was not of a sufficiently extraordinary character to warrant the calling of a special session.<sup>65</sup>

A movement for a rehearing of the Amendment case was begun soon after the decision in January. Early in March, Attorney-General McPherson and James F. Wilson, on behalf of the State and at the request of Governor Sherman, filed a petition for a rehearing.<sup>66</sup> This petition was considered by the Supreme Court at its April term, and was argued on both sides by able attorneys. It virtually amounted to a rehearing of the Amendment case and is

<sup>63</sup> Quotations from various newspapers in the *Iowa City Daily Republican*, Vol. VII, No. 129, Sunday, January 21, 1883.

<sup>64</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. III, pp. 29-32.

<sup>65</sup> *Iowa City Daily Republican*, Vol. VII, No. 170, Saturday, March 10, 1883.

<sup>66</sup> *Iowa City Daily Republican*, Vol. VII, No. 176, Saturday, March 17, 1883.

often referred to as such, but technically it was only a hearing of the arguments for and against granting the petition for a rehearing. The opinion of the Court was delivered by Chief Justice Day and the petition for a rehearing was not granted. Judge Beck again delivered an elaborate dissenting opinion.<sup>67</sup>

Justice Day in his opinion covered much the same ground as had been embraced in the former opinion which he affirmed. He was also called upon to decide whether the Court had the right to determine upon the validity of a constitutional amendment; and he held that the Court, just as in the case of a statute, had the right to inquire whether provisions of the Constitution had been complied with. In closing the opinion Justice Day used the following words:

The cause of temperance can sustain no injury from the loss of this amendment, which would be at all comparable to the injury to republican institutions which a violation of the constitution would inflict. That large and respectable class of moral reformers which so justly demands the observance and the enforcement of law, cannot afford to take its first reformatory step by a violation of the constitution. . . . The people can, in a short time, reenact the amendment. In the matter of a great moral reform, the loss of a few years is nothing. The constitution is the palladium of republican freedom. . . . Whatever interest may be advanced or may suffer, whoever or whatever may be "voted up or voted down," no sacrilegious hand must be laid upon the constitution.

#### THE CAMPAIGN OF 1883

Probably in no political campaign in the history of Iowa had the temperance question played a more prominent part than in the campaign of 1883. The Prohibitionists, sorely disappointed at the failure of their efforts to secure either a reversal of the Amendment decision or an immediate resubmission of the question, at first agitated the proposi-

<sup>67</sup> Koehler & Lange *vs.* Hill, 60 Iowa 543.

tion of calling a Constitutional Convention and bent their energies toward influencing the political parties, especially the Republicans, to take some definite action at their State conventions. The Democrats met at Des Moines on June 6, where Edward Campbell, the temporary chairman, in his speech urged the party to "bear in mind that to go before this people with a prospect of success we cannot be made the mouth-pieces of either the prohibition or the saloon element." The fourth plank in the platform expressed opposition to constitutional prohibition, and advocated "a well regulated license law, with penalty of forfeiture of license for violation thereof." Judge Walter I. Hayes, who had first declared the Amendment invalid, was the nominee for Judge of the Supreme Court.<sup>68</sup>

The attitude of the Democratic party, and especially the nomination of Judge Hayes, seemed to the Prohibitionists a direct challenge, and they were more determined than ever that the Republican party should take up the gauntlet. The Republican State Convention met at Des Moines on June 27, where it early became evident that the temperance question would receive its due share of attention. Hon. John A. Kasson, the temporary chairman, said in his address that "In the great and unending debate between the claims of Iowa homes and the demands of Iowa saloons the Republican party, enlightened by and obedient to the popular verdict rendered just one year ago to-day, ought not, cannot and will not, take the side of the saloon." His words were received with great applause, as were also the words of Col. David B. Henderson, the permanent chairman, when he said: "my friends, the wife and child of the 'drunkard' are raising their hands to you for aid. Their appeal will not be unheard." Calvin Manning, the nominee

<sup>68</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. III, pp. 33, 39.

for Lieutenant-Governor, in his speech of acceptance declared that Republicanism meant "protected homes and firesides; a school house on every hill, and no saloon in the valley." These words were greeted with "uproarious, long-continued and renewed applause", and the last clause later became the war-cry of the Prohibitionists all over the country.<sup>69</sup> The third plank in the platform reads:

That when the Republican party of Iowa pledged itself in 1879 to give to the people at a special and non-partisan election, an opportunity to vote on a proposition to so amend the Constitution of the State as to prohibit the manufacture and sale as a beverage of intoxicating liquors, it acted in good faith; and the special election of June 27th, 1882, evidences the redemption of the pledge so given, and that we now declare that we accept the result of that election with its majority of 29,759 votes in favor of the adoption of the amendment so voted on as the verdict of the people in favor of constitutional and statutory prohibition, and without making any new test of party fealty we recognize the moral and political obligation which requires the enactment of such laws by the next General Assembly as shall provide for the establishment and enforcement of the principle and policy affirmed by the people at said non-partisan election, and to this end the faith of the party is pledged.<sup>70</sup>

The Greenbackers, meeting in convention on July 11, declared in their platform that the manufacture and sale of intoxicating liquors should be prohibited and that the will of the people as expressed at the election on the Amendment should be carried out. Furthermore, they denounced Governor Sherman "for permitting the will of the people to be overthrown."<sup>71</sup>

<sup>69</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. III, pp. 41, 43, 44.

<sup>70</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. III, p. 45.

Dr. S. N. Fellows, who was a member of the committee on resolutions in this convention, is to be credited with inserting the phrase "and to this end the faith of the party is pledged", which bound the Republican party that year to the policy of prohibition.

<sup>71</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. III, p. 49.



With these declarations in their platforms the political parties entered upon the campaign; and it early became apparent that the question of prohibition would be the leading issue as far as State policy was concerned. James F. Wilson, who delivered many speeches throughout the State during the campaign, often occupied almost his entire time in discussing the temperance question which he considered the most important issue before the people.<sup>72</sup> One newspaper declared that at the coming election prohibition should come first and party afterwards. "The issue now", said the editor, "is prohibition of the liquor traffic. . . . Every voter must decide what he will do in this matter at the October election."<sup>73</sup> Another writer in speaking of the election of 1883 says: "There is no doubt that several elements entered therein, but I think it will be granted that the tariff and the liquor question were the principal issues."<sup>74</sup>

Especial interest was taken in the contest for the position of Judge of the Supreme Court. Many of the Prohibitionists had been very bitter in their denunciation of the judges who had declared the Amendment invalid. At the Republican Convention an unsuccessful effort was made to renominate Judge Day; but whether his defeat was due entirely to his opinion in the Amendment case would be difficult to determine. His rejection was criticised by some, while by others it was considered a wise policy on the ground that he could not have polled the party vote. At the election J. R. Reed, the Republican candidate, received a plurality of over twenty thousand; but it is interesting

<sup>72</sup> *Iowa City Daily Republican*, Vol. VII, No. 295, Saturday, August 11, 1883.

<sup>73</sup> Quoted from the *Grinnell Independent* in the *Iowa City Daily Republican*, Vol. VII, No. 297, Tuesday, August 14, 1883.

<sup>74</sup> *The Liquor Question in Iowa, A Few Observations on Prohibition and the License System*, Le Mars: 1883.

to note that Walter I. Hayes ran ahead of the other members on the Democratic ticket by about two thousand votes, while Reed ran behind his ticket by an equal margin.<sup>75</sup>

Naturally, however, owing to the character of the issue, the real contest was in the election of members of the legislature, and it was here that the question of prohibition was especially prominent. When the returns were canvassed it was found that of the twenty-nine new Senators nineteen were Republicans and ten Democrats, making, together with the hold-overs, a total of thirty-nine Republicans and eleven Democrats in the Senate. Of the one hundred Representatives elected, fifty-two were Republicans, forty-two were Democrats, and six were Greenbackers.<sup>76</sup> Thus, if the pledge of the Republican party were to be carried out, statutory prohibition by the next General Assembly was practically assured.

#### THE PROHIBITORY LAW OF 1884

In his message of January 15, 1884, Governor Sherman strongly urged and recommended the enactment of prohibitory legislation. "Ours is a government", said he, "by the people, of the people, and for the people, and their will being ascertained, no representative of the people can justify himself in opposition thereto. . . . Partisan ties should be laid aside, and in consideration of this great question and forgetful of all else save the ultimate good to the State, let us vie with each other in perfecting the law in response to the public command."<sup>77</sup>

In the House of Representatives an attempt was made to secure the adoption of a resolution proposing a constitutional amendment almost identical with the former one,

<sup>75</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. IV, p. 7.

<sup>76</sup> Fairall's *Manual of Iowa Politics*, Vol. I, Pt. IV, pp. 8-12.

<sup>77</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 255.

but it does not appear that the matter got beyond the committee to which it was referred. Without going into detail in respect to the legislative proceedings it will be sufficient to say that the General Assembly enacted two laws which imposed prohibition as absolute as that contemplated by the Amendment. The first of these laws repealed the famous wine and beer clause which had been on the statute books since 1858 and for the repeal of which the Prohibitionists had labored so long. The definition of intoxicating liquors was made to include ale, wine, and beer, and the manufacture and sale of these drinks was prohibited under the same penalties as already existed in respect to the stronger liquors.<sup>78</sup>

A law passed late in the session and approved on April 3, went more into detail in the way of placing further restrictions on the liquor traffic and providing further and heavier penalties for violation of the law. It virtually took up the provisions of the *Code of 1873* relating to intoxicating liquors section by section and amended them in such manner as to make the manufacture or sale of liquor practically impossible within the State. The first seven sections of the law were concerned with placing the manufacture of intoxicating liquor under the same regulations as were already provided for its sale. That is, any person might manufacture, as well as sell, intoxicating liquor for medicinal, mechanical, culinary, or sacramental purposes by securing the proper permission and by conforming to certain requirements as to keeping records and making reports. Manufacturing without such a permission was made punishable by heavy fines and imprisonment, varying in severity according to the number of offenses.

Furthermore, any person having a permit, who should sell liquor at a greater profit than thirty-three per cent,

<sup>78</sup> *Laws of Iowa*, 1884, p. 8.

was made liable for treble damages. The penalty for selling without a permit was increased three-fold, as well as the penalty for keeping with intent to sell. The finding of liquor upon the premises of any tavern, eating house, or other place of public resort, was declared presumptive evidence that such liquor was kept for illegal purposes. Any building in which the unlawful manufacture or sale of intoxicating liquor was carried on, together with the furniture, fixtures, and vessels, was made a nuisance which might be abated; and any person who should establish or continue such a nuisance was made guilty of a misdemeanor punishable by a heavy fine for which he should stand committed until paid. An action to secure an injunction might be brought by any citizen of the county in which such nuisance was located.

Common carriers were forbidden to bring any intoxicating liquor into the State unless furnished with a certificate from the county auditor that the person to whom such liquor was to be delivered was authorized to sell it; and any violation of this provision was held to have been committed in any county through which liquors were transported. The keeping of intoxicating liquors in club houses was also prohibited. Perhaps the most significant feature of the law was that in nearly all of the penalties it was provided that one-half of the fine should go to the person who brought information of violation, and the other half to the school fund of the county.<sup>79</sup>

#### PROHIBITION IN OPERATION

Absolute prohibition was at last to be given a trial in Iowa. The prohibitory law of 1855, even before its modification by the wine and beer clause of 1858, had not imposed absolute prohibition; and hence there was much

<sup>79</sup> *Laws of Iowa*, 1884, pp. 146-151.



speculation as to the effect of the law which was to go into effect July 4, 1884. That there would be much opposition to the law was very evident. The brewers of the State met in convention at Burlington on April 23 to deliberate upon the course which they should pursue after the law was put in force. They protested against "this high-handed outrage upon the natural and constitutional rights of the citizen", which would deprive them of the fruits of long years of labor, and expressed their determination "to fight the same, and its promoters, in all lawful ways, and to the bitter end." They denounced the theory that the will of the majority should rule when, as in this case, it violated constitutional limitations, and appealed to all "liberty-loving and law-abiding men" for aid in resisting the law. Finally, they expressed their approval of the "manliness of the majority of our supreme court in rendering their opinion against the validity of the constitutional amendment without regard to the mad ravings of enraged fanatics and the contemptible threats of their venal mouthpieces."<sup>80</sup>

The prohibitory law went into effect on July 4; and it may be said that many saloons closed their doors immediately. This was especially true in communities where there was a strong temperance sentiment. In many of the larger cities, however, the law was not observed and efforts to enforce it were met with great opposition, as may be best shown by a number of the most striking cases.

In Burlington, on the fourth of July, 1884, beer and wine were sold as freely as before and very little effort was made at concealment. In some cases the front doors were closed, but the rear entrances stood open. At least twenty saloons continued to sell all day, and the proprietors announced their intention not to obey the law. This was also

<sup>80</sup> *The Burlington Hawk-Eye*, Thursday, April 24, 1884.

the case with the breweries.<sup>81</sup> A week later officers furnished with a search warrant entered a building in which it was suspected that liquor was concealed and carried off nine bottles of beer and a bottle of "Reed's Stomach Bitters". A crowd had gathered, and before the officers had proceeded very far all the liquor had been snatched from them with the exception of one bottle of beer and the bottle of bitters.<sup>82</sup> A vigorous prosecution of violations of the law was instituted which resulted in many convictions. By the middle of August over thirty saloons had been closed.<sup>83</sup> Great excitement was caused on the night of August 15 by an attempt to dynamite the residence of W. E. Blake, an attorney who had been active in the prosecutions. It was thought to have been the work of some person whose enmity Blake had incurred by his efforts to enforce the law.<sup>84</sup>

At Dubuque the prohibitory law did not meet with general observance even at the first, and it was not thought that any serious attempt would be made to enforce it. In fact one newspaper made the statement that "it is understood that the law will be ignored in Dubuque the same as the old law has been ignored for the past twenty years or more."<sup>85</sup>

At Marshalltown the immediate effect of the new law had evidently been the closing of all of the saloons. But on July 14 a correspondent to an Iowa City paper wrote that "a saloon here on Saturday gained notoriety and a large patronage by placing beer on tap. About noon the crowd

<sup>81</sup> *The Burlington Hawk-Eye*, Sunday, July 6, 1884.

<sup>82</sup> *The Burlington Hawk-Eye*, Sunday, July 13, 1884.

<sup>83</sup> *The Burlington Hawk-Eye*, Friday, August 15, 1884.

<sup>84</sup> *The Burlington Hawk-Eye*, Saturday, August 16, 1884.

<sup>85</sup> Quoted from *The Dubuque Herald* in the *Iowa City Daily Republican*, Vol. VIII, No. 240, Wednesday, July 9, 1884.

was so large the customers had to wait thirty minutes to have their orders filled."<sup>86</sup> The opening of this saloon, however, was met by prompt action and a warrant was issued for the arrest of the proprietor. A mob gathered to resist the carrying into execution of this warrant. The arrest was made, nevertheless, and the saloon was closed. The crowd, unable to get any more liquor from that source, went to the brewery where the beer was made, and attempted to get in by throwing beer-kegs and other missiles through the windows. Finding the liquor securely locked in a cellar, they forced the owner of the brewery to deliver the keys, and a scene of revelry followed. The brewer, who had been somewhat violently treated by the mob, was so frightened and discouraged that he offered to sell his remaining stock of liquor to the temperance people, to be destroyed by them, and to quit the brewing business at that place at least.<sup>87</sup>

Opposition to the enforcement of the prohibitory law resulted in even greater acts of violence at Iowa City. On Saturday night, July 19, 1884, the residences of an attorney and a citizen who had been particularly energetic in prosecuting violations of the law were attacked by a mob of ruffians. Large stones and other missiles were hurled through the windows, doing much damage to the interior of the houses, but resulting in no injury to any member of the families thus rudely awakened from their sleep.<sup>88</sup> The excitement caused by this outrage had scarcely died away when it was aroused to a more feverish pitch by other occurrences. On the afternoon of August 13, a trial for violation of the liquor law was being held in Scott Township,

<sup>86</sup> *Iowa City Daily Republican*, Vol. VIII, No. 245, Tuesday, July 15, 1884.

<sup>87</sup> Marshalltown correspondence in the *Iowa City Daily Republican*, Vol. VIII, No. 247, Thursday, July 17, 1884.

<sup>88</sup> *Iowa City Daily Republican*, Vol. VIII, No. 250, Monday, July 21, 1884.

at a place about three and one-half miles southeast of Iowa City. A mob of two hundred men went out from town, broke up the trial, tarred and feathered one of the prosecuting attorneys, and stoned the house in which he took refuge. The life of a constable, who attempted to resist the fury of the mob, was threatened and but for the timely assistance of the deputy-sheriff the threat might have been executed. The special ire of the mob was directed against the man whom the indictment in this case named as the informer and a rope was provided for the purpose of hanging him, as a warning to all others who should feel it their duty to give information of violation of the law. He managed, however, to elude the crowd.

That evening the streets of Iowa City were filled with people and the most intense excitement prevailed. Guns were fired, but apparently with no purpose for no one was injured. As the man referred to above as the informant in the case of the afternoon and his brother were making their way home they were attacked by the mob and were being carried away in the darkness when rescued. Several arrests were made but the prisoners were torn away from the officers before they could be conveyed to the police station. The riotous demonstrations continued, though in a less violent degree, during the next two days. A large force of officers was employed — especially to watch the residences of persons against whom the wrath of the mob might vent itself. A company of militia was held in readiness at Marengo to come to the assistance of the city officials in case there should be need. Gradually affairs assumed their normal course, but as is usual in cases of mob violence it was difficult to locate the guilty parties.<sup>89</sup>

<sup>89</sup> For a full account of the Iowa City mob see the *Iowa City Daily Republican*, Vol. VIII, No. 279, Wednesday, August 13, 1884, and the following issues.



The relation which the prohibition question bore to political parties at that time was discussed in a pointed manner by the editor of a Keokuk newspaper. He stated his belief that if the Democratic party in the next campaign should come out in favor of prohibition it would lose four-fifths of its members; and that if the Republican party should declare opposition to prohibition it would be deserted by a corresponding proportion of its members. "A party", said he, "does what it has to do. The republican party cares nothing for prohibition; the democratic party nothing for license."<sup>90</sup> That this estimate was largely true there can be but little doubt.

In December, 1884, an attempt was made at Des Moines to adopt the plan followed by Council Bluffs, namely, of allowing liquor dealers to continue business by paying a tax which would in reality amount to a license. Resolutions to this effect were introduced in the City Council, but they were reported upon adversely by the committee and the plan was defeated.<sup>91</sup> Keokuk, however, adopted this scheme and soon found itself in trouble. The saloon-keepers, after continuing their business for some time, refused to pay the tax and the matter stood just where it had at the beginning.<sup>92</sup>

A serious obstacle to the enforcement of the prohibitory law in many places was the doubt as to the constitutionality of the law, an obstacle which was removed by a decision of the Supreme Court of the State, at the March term in 1885. Judge Rothrock, who delivered the opinion of the Court, held that the law was not repugnant to the Constitution in any sense and was therefore perfectly

<sup>90</sup> Quoted from *The Gate City* (Keokuk), in the *Iowa City Daily Republican*, Vol. IX, No. 67, Wednesday, December 17, 1884.

<sup>91</sup> *Iowa City Daily Republican*, Vol. IX, No. 67, Wednesday, December 17, 1884.

<sup>92</sup> *Iowa City Daily Republican*, Vol. IX, No. 116, Friday, February 13, 1885.

valid.<sup>93</sup> This question having been settled, the enforcement of the law depended almost entirely on public sentiment in the different communities.

The spirit of mob violence and resistance to the enforcement of the law which had been so prevalent in the early months of the operation of prohibition continued to manifest itself in various localities during 1885. In March the saloon-keepers at Sioux City were aroused by the report that an attorney from Le Mars was coming to that city to aid in the work of prosecuting violations of the prohibitory law. An angry mob gathered at the railway station to meet the train on which the attorney was expected, for the purpose of intimidating him and preventing him from carrying out his plans. It happened, however, that the attorney was not on the train and the excitement subsided. The mayor declared that at any time the attorney desired to come to the city he would be given ample protection, and the spirit of lawlessness exhibited by the mob was severely condemned.<sup>94</sup>

Later in the summer, at Muscatine, an attempt was made to burn some property belonging to a man who had taken a leading part in enforcing the prohibitory law. At Fort Dodge a former Governor of the State, who had given information of violations of the law, was brutally attacked by an angry liquor dealer and was saved from serious injury only by the interference of friends.<sup>95</sup> Many other instances might doubtless be given to show the widespread opposition to the enforcement of prohibition. Mob violence, however, was strongly denounced by the press and by the better class of citizens. One editor in commenting upon the Sioux City incident said that "it is the most

<sup>93</sup> *Littleton vs. Fritz*, 65 Iowa 488.

<sup>94</sup> *Iowa City Daily Republican*, Vol. IX, No. 156, Tuesday, March 31, 1885.

<sup>95</sup> *Iowa City Daily Republican*, Vol. X[IX], No. 264, Friday, August 7, 1885.

conclusive argument in the world that the law should be enforced, if it takes every able-bodied, law-abiding citizen in the State to do it. . . . If the rum power is so strong that its insane slaves blindly set themselves up against the enforcement of our statutes, then it is indeed time that law should prevail, if it takes a revolution to accomplish it."<sup>96</sup>

When the prohibitory law had been in operation one year a Davenport newspaper editor issued a circular letter to the mayors of the principal cities of the State, inquiring as to the extent of the enforcement of the law. A summary of the facts thus gained showed that in some places prohibition was entirely successful, in others the number of saloons was the same as before the law was enacted, while in many places there had been an increase in the number of saloons. This increase varied from six at Boone to ninety-four at Ottumwa. In ten places it was reported that the annual tax levy had been increased to meet the loss of the revenue formerly derived from the saloons.<sup>97</sup> A writer in another newspaper, however, stated that the extent and strength of enforcement should not be judged alone from the result in larger places, for, said he, "in scores and hundreds of the smaller cities and towns of Iowa it is absolutely enforced, so far as the existence of saloons is concerned, and many who voted against it have come to acknowledge its benefits and blessings."<sup>98</sup> The statement was made, on the authority of investigations carried on by the State Temperance Alliance, that in three hundred and forty townships in eighty counties the number of saloons had decreased by about six hundred, and

<sup>96</sup> Quoted from *The Times-Republican* in the *Iowa City Daily Republican*, Vol. IX, No. 158, Thursday, April 2, 1885.

<sup>97</sup> Quoted from *The Davenport Democrat* in the *Iowa City Daily Republican*, Vol. X[IX], No. 242, Monday, July 13, 1885.

<sup>98</sup> Quoted from the *Cedar Rapids Republican* in the *Iowa City Daily Republican*, Vol. X[IX], No. 242, Monday, July 13, 1885.

that on this basis in the entire State there were three thousand saloons fewer than prior to July 4, 1884.<sup>99</sup>

The temperance question again assumed a prominent position in the political campaign of 1885. It was of vital importance to the Prohibitionists to secure the election of officers who would enforce the prohibitory law and legislators who would strengthen it by further enactments. The two leading parties took their accustomed positions. The Democrats pledged their best efforts to secure "the enactment of a license law of \$250, with power to increase the same from \$250 to \$1,000, as may be deemed best for the public interests in the various localities of the state," and in addition they favored the passage of a law making it a crime to manufacture or sell adulterated liquors.<sup>100</sup> The committee which framed the platform was evidently ignorant of the fact that there was already such a statute.

The Republicans seemed desirous to disclaim any responsibility for the prohibitory law as a party measure. Prohibition, it was forcibly asserted, had never been a test of fealty to the Republican party. The law had been enacted in response to the expressed will of the people and it was because of that expressed will that the party had pledged itself to enact the law. However, they now declared "for a fair and thorough trial of that law that it may have time to demonstrate its efficiency or prove its inefficiency before it is repealed". They condemned the action of the Democratic party in favoring "a \$250 license, compulsory on every community, regardless of local opinion, for the legalizing again in Iowa, of the sale of whiskey and all other alcoholic liquors".<sup>101</sup> William Lar-

<sup>99</sup> *Iowa City Daily Republican*, Vol. X[IX], No. 262, Wednesday, August 5, 1885.

<sup>100</sup> Fairall's *Manual of Iowa Politics*, Vol. II, Pt. I, p. 41.

<sup>101</sup> Fairall's *Manual of Iowa Politics*, Vol. II, Pt. I, p. 46.



rabee was chosen as the candidate for Governor, partly at least because, being a conservative on the question of prohibition, it was thought he would best be able to keep together the Prohibition and anti-Prohibition factions of the party.

In spite of earnest protests by the State Temperance Alliance a small coterie of disgruntled Prohibitionists held a convention at Cedar Rapids on September 23, adopted a platform, and nominated a State ticket.<sup>102</sup> At the election James Michelwaite, the candidate for Governor, received only 1,417 votes. William Larrabee, the Republican candidate, was elected, but by a small plurality because of a fusion of the Democrats and Greenbackers.<sup>103</sup>

As the date for the opening of the next General Assembly drew near there was some agitation in favor of a law establishing a State constabulary for the enforcement of the prohibitory law. The recommendation was also made that law-breaking by liquor dealers should be made a police-court offense, and that the fines for violations should go into the municipal treasury. "Governments", it was suggested, "enforce law for revenue better than they do for principle."<sup>104</sup>

#### THE LIQUOR LAWS OF 1886

Governor Sherman in his message of January 14, 1886, transmitted just previous to his retirement from office, took the opportunity to touch upon the temperance question. "Notwithstanding the adverse opinions and unfriendly criticisms indulged in by its opponents," he declared, "there is no doubt the Prohibitory Liquor Law has been

<sup>102</sup> *Iowa City Daily Republican*, Vol. X[IX], No. 303, Thursday, September 24, 1885.

<sup>103</sup> *Iowa Official Register*, 1907-8, p. 526.

<sup>104</sup> Quoted from the *Iowa State Register* in the *Iowa City Daily Republican*, Vol. X, No. 67, Thursday, December 24, 1885.

reasonably successful. . . . I am aware the law is violated in very many of our cities, but this argues nothing for its repeal — the same may be said as regards the law against burglary, and other graver crimes, yet none desire their modification. Whatever failure has attended it, is largely due to the apathy of its original champions, who, while stentorinous in demand for its enactment, have been noticeably quiet in aiding its enforcement.” He called special attention to the bootlegging which was being carried on in some communities and recommended severe penalties for offenses of this nature. Moreover, he made several suggestions as to additional provisions for the enforcement of the law.<sup>105</sup>

William Larrabee, the new Governor, was heartily in favor of enforcing the prohibitory law. In his inaugural address of January 14, 1886, he reviewed briefly the evils of intemperance and paid the following tribute to the saloon:

The saloon is the educational institution which takes no vacation or recess and where the lowest and most pernicious political doctrines are taught. Its thousands of graduates may be found in all positions of wretchedness and disgrace, and are the most successful candidates for our poorhouses and penitentiaries. It is the bank where money, time, strength, manliness, self-control and happiness are deposited to be lost, where drafts are drawn on the widows and orphans, and where dividends are paid only to his Satanic Majesty. Let it perish.

The Governor then proceeded to trace the history of the movement which had resulted in the prohibitory law, and declared emphatically that while the law had not been entirely successful it had not been a failure and should not be repealed until it had been given a fair trial. “The question now”, said he, “is not between prohibition and license, but whether law or lawlessness shall rule. . . . True

<sup>105</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, pp. 344-346.

Americans are law-abiding, and recognize the right of the majority to rule, and the duty of the minority to yield obedience. In the large cities and in communities where public sentiment is opposed to the law, it is openly and flagrantly violated. The honor of the State compels us to vindicate its majesty. . . . Public funds should be appropriated and, if necessary, the whole power of the State should be brought into requisition, to secure obedience. Whatever authority may be vested in me will be unhesitatingly exercised."<sup>106</sup>

At a temperance convention at Des Moines, January 21, 1886, which was attended by over five hundred delegates, resolutions were adopted expressing the warmest approval of the stand taken by Governor Larrabee and calling upon the General Assembly for legislation to remedy the defects of the prohibitory law and to provide for its better enforcement.<sup>107</sup>

Being thus urged to act, the General Assembly, after prolonged and animated debate in both Houses during which the halls were crowded with spectators, passed the well-known "Clark Bill", which received the Governor's approval on April 5. The prohibitory law was greatly strengthened, especially in regard to the abatement of nuisances and the transportation of intoxicating liquors. It was made the duty of district and county attorneys to institute action for the abatement of nuisances, and the general reputation of a place was held admissible as evidence in proving the existence of a nuisance. In all successful cases the plaintiff was to be "entitled to an attorney's fee of not less than twenty-five dollars, to be taxed and collected as costs against the defendant." Severe pen-

<sup>106</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 25-30.

<sup>107</sup> *Iowa City Daily Republican*, Vol. X, No. 91, Saturday, January 23, 1886.

alties were provided for the keeping of nuisances and the violation of injunctions.

One section was devoted to the manner in which nuisances might be abated. It provided for the seizure and destruction of all intoxicating liquors found in places proven to be nuisances, and for the removal from the building and the sale of all furniture, vessels, or other appurtenances used in the illegal manufacture or sale of liquor. Furthermore, the building was to be closed for one year unless its owner conformed to certain regulations.

The finding of intoxicating liquors "except in the possession of one legally authorized to sell the same or except in a private dwelling house," which was not connected with a place of public resort, was made "presumptive evidence that such liquors were kept for illegal sale". The provision of the law of 1884 in regard to the transportation of intoxicating liquors was amended and strengthened by increasing the penalty for violation and defining the offense more in detail.<sup>108</sup> Shipment of liquors under false names was made punishable by a fine of one hundred dollars. The real and personal property of the person convicted of violation of the law, as well as the real and personal property of the owner of the premises on which the illegal manufacture or sale of intoxicating liquors was carried on, was made liable for the payment of judgments for infraction of the law.<sup>109</sup>

In addition to this law which if rigidly enforced would virtually leave no loop-hole for illegal traffic in liquor, there were three other acts dealing with the temperance problem. One of these, which was strongly objected to by the

<sup>108</sup> This section of the law of 1886 (section 10) was declared unconstitutional by the Supreme Court of the United States in 1888, on the grounds that it was a regulation which interfered with interstate commerce and consequently was not in the power of the State to enact.—*Bowman vs. Chicago and Northwestern Railway Company*, 125 U. S. 465.

<sup>109</sup> *Laws of Iowa*, 1886, pp. 81-86.



Prohibitionists, gave to registered pharmacists who should conform to certain provisions as to permits and reports, the sole right to sell intoxicating liquors for medicinal purposes only.<sup>110</sup> The substance of another act is indicated in the title: "An Act to Provide for the Teaching and Study of Physiology and Hygiene with Special Reference to the Effects of Alcoholic Drinks, Stimulants and Narcotics upon the Human System, in the Public Schools and Educational Institutions of the State."<sup>111</sup> This law is still in force. The remaining law provided that the possession by "any person engaged in any kind of business," of a receipt "showing payment of the special tax, levied under the laws of the United States, upon the business of selling distilled, malt or fermented liquors," should constitute evidence that liquor was being kept and sold contrary to law, except in the case of persons authorized to sell.<sup>112</sup> It seems that many liquor dealers had maintained that they had a right to sell because they had paid the tax imposed by the United States government.

#### THE ATTEMPT TO ENFORCE PROHIBITION FROM 1886 TO 1890

The Twenty-first General Assembly had done all in its power to make possible the enforcement of the prohibitory law. Penalties had been provided which were too heavy to be disregarded, and the question now was largely one of whether public sentiment in the various communities was strong enough to insist upon the enforcement of the law and whether the Prohibitionists would live up to their principles. In a proclamation of May 3, 1886, Governor Larrabee issued an ultimatum to the violators of the law and gave to the Prohibitionists the moral advantage of executive ap-

<sup>110</sup> *Laws of Iowa*, 1886, pp. 105-108.

<sup>111</sup> *Laws of Iowa*, 1886, p. 1.

<sup>112</sup> *Laws of Iowa*, 1886, p. 135.

proval. He declared that the prohibitory law had been enacted in response to the desire of the people as expressed in the vote on the Amendment and stated that he had received a large number of petitions for pardons and remissions of fines for offenses committed against the law. The remaining portion of the proclamation is worthy of attention as indicative of the attitude taken by Governor Larrabee throughout his two terms in office:

Now, Therefore, I, William Larrabee, Governor of the State of Iowa, relying with confidence upon the loyalty and true christian spirit of our people to sustain all measures adopted for the promotion of the general welfare, do, under the pains and penalties of the law, warn all persons engaged in the illegal sale of intoxicating liquors to desist from such unlawful practice, and I do hereby give notice that wilful violators will hereafter have no claim on executive clemency. And I call most earnestly upon all the good people of the state, to aid to the best of their ability, in the enforcement of the law. Especially do I call upon all temperance societies, and other bodies organized for kindred purposes, to realize the necessity for new energy in their labors.

Let the priests, ministers, teachers, and the press use their best efforts to enlist the moral forces of the State in this cause — Let the Judges, attorneys, and other officers of the Courts, be painstaking and persistent in enforcing the law, both in letter and spirit — Let the sheriffs and peace officers be fearless and vigilant, and let the mayors and all other municipal officers awaken to new zeal in their efforts to secure its observance.

I exhort all citizens to lay aside partisan differences, and by united and determined efforts banish the dram-shop from Iowa.<sup>113</sup>

This proclamation of the Governor was received with great enthusiasm by the Prohibitionists. The executive office was flooded with letters of praise and approval from individuals, churches, Sunday-school conventions, and temperance organizations all over the State. "The pulpits next

<sup>113</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 212, 213.

Sabbath [will] ring out your words'', wrote a woman prominent in temperance work in the State and Nation, ''and many will say more earnestly than ever before, 'God save the Commonwealth of Iowa and bless Governor Wm. Larrabee.' ''<sup>114</sup> It seemed as though the Governor's appeal had not been made in vain, and that the people in all parts of the State would insist upon the enforcement of the law. But it is to be feared that too many of those who were loudest in their demands for enforcement were unwilling to take an active part in the work. Many people expected the law to enforce itself, while they sat back and did nothing.

If the closing of the saloons was the sole design of the prohibitory law, the amendments of 1886 completed the work which had been begun by the law of 1884, for there was a general and voluntary cessation of business by saloon-keepers throughout the State — except in communities where there was strong opposition to the law. But the demand for intoxicating liquors as a beverage had not decreased, and where there is a demand for a thing it is seldom difficult to find some means of supply. In this case it is common knowledge that during the early years of prohibition in Iowa the saloon was replaced by the drug-store, the ''hole in the wall'', the ''blind tiger'', the ''blind pig'', and the ''boot-legger''. The pharmacy law had given to registered pharmacists the sole right to sell intoxicating liquors for medicinal, mechanical, culinary, and sacramental purposes, and it can scarcely be a matter of wonder that immense quantities of liquor were bought and sold under cloak of this provision. Many druggists doubtless endeavored to abide by the law, but it was a difficult task even for the most conscientious. If a customer asked for liquor for mechanical purposes it was no easy matter to determine

<sup>114</sup> Public Archives, Office of the Governor, Des Moines.

whether his intentions were honest. There were many more who made no serious attempt to obey the law, as is evidenced by the fact that a partial list of the prosecutions of druggists for two years (1885-1887) shows a total of seventy-four convictions, of which the greater portion were for the unlawful sale of intoxicating liquors.<sup>115</sup> These cases, which were from all parts of the State, show that everywhere druggists were carrying on the illegal sale of liquors. In fact it is undoubtedly true that many of the deposed saloon-keepers entered the drug business and hired registered pharmacists for no other reason than that they might continue the liquor traffic. The partition in the rear of the store served as a screen to hide an improvised bar to which the initiated were freely admitted.

Besides the drug-stores a great many ingenious means were devised to defeat the law and supply the demand for liquor. "The first alarming evil that grew out of the proposed revolution", says one writer who was opposed to prohibition, "was the driving of drink to the homes of the people. . . . Another lamentable feature is that hundreds of business men inaugurated bars in their places of business. . . . Agents representing manufacturers of ale, beer, wine and liquors of every description to the number of more than a hundred, for a time traveled through the state, taking orders for private stocks, and home consumption. . . . Throughout the country in many parts of the state beer depots were established. The home of some farmer would be designated as the central point where his neighbors could call and get their kegs of beer, which had been ordered outside and hauled into the state. . . . Another scheme was that of having a simple elevator running from the cellar to the first floor of a building so ar-

<sup>115</sup> *Fourth Biennial Report of the Commissioners of Pharmacy for the State of Iowa, 1887, pp. 66-73.*



ranged that no one could see from whence the liquors came, but by walking into the room and placing the money on the counter, the demand would be supplied at once. . . . Another method was the 'blind pig' or 'hole in the wall' under a stairway. By simply lifting one of the steps hung on hinges, the liquor desired was found on ice therein. . . . In many cities hundreds, if not thousands, of homes were turned into neighborhood saloons, and the evidence is not lacking to show that in some portions of the state, places of this character existed every two or three blocks where one or two kegs of beer were sold daily in addition to some whiskey. . . . It soon became apparent that there was a great inflow of liquor from every direction into the state of Iowa''.<sup>116</sup> And so the account might be extended indefinitely to show the manifold ways in which the prohibitory law was evaded.

The foregoing recital naturally takes into account only the gloomy aspect of the effects of the prohibitory law. Nevertheless these are the conditions with which those attempting to enforce the law had to contend, and the wonder is not that toward the end they became somewhat disheartened, but rather that they succeeded as well as they did.

At Sioux City in August, 1886, Rev. George C. Haddock was murdered while engaged in an attempt to enforce the prohibitory law. Perhaps nothing could have done more to arouse public sentiment against violators of the law. At any rate there followed a crusade which resulted in the closing of many saloons in communities where they had been running openly.<sup>117</sup>

<sup>116</sup> Faulkes's *Iowa's White Elephant*, pp. 35-38.

<sup>117</sup> For an account of the Haddock murder see Haddock's *Life of Rev. George C. Haddock*. For evidence of the crusade against the saloons see the *Iowa City Daily Republican*, Vol. X, Nos. 310 and 353, Tuesday, October 19, and Friday, December 10, 1886.

At a meeting of the State Temperance Alliance at Des Moines in January, 1887, it was stated that where public sentiment had been strong enough there had been little difficulty in enforcing the law; but it was freely admitted that in many places the law was virtually a dead letter because a majority of the people were opposed to its enforcement. At this meeting it was suggested that a law should be enacted to provide for the levying of a tax on the counties in which prohibition was not enforced and that the proceeds should be used to enforce the law.<sup>118</sup> Of course such a law would not have been constitutional had it been enacted.

While the majority of the people conceded and insisted, both at the time of the Amendment contest and after the passage of the prohibitory law, that the manufacture of liquor for exportation was not prohibited, there were, nevertheless, many others who looked upon this interpretation with repugnance. It seemed inconsistent to allow the free export of a commodity the sale of which was prohibited at home because of its injurious effect on humanity. An opportunity was given to test this interpretation in the spring of 1887. At Des Moines injunction proceedings were instituted against the International Distillery, the largest establishment of its kind in the State. The injunction was granted by the District Court, and the case was appealed to the Supreme Court of Iowa. The decree of the District Court was sustained, and the manufacture of liquor for exportation was declared unlawful under the prohibitory law, which was held not to be in violation of the provisions of either the State or Federal Constitution.<sup>119</sup> Following this decision the case was appealed to the Supreme Court of the United States, where the opinion of the Iowa court was af-

<sup>118</sup> *Iowa City Daily Republican*, Vol. X[XI], No. 91, Saturday, January 22, 1887.

<sup>119</sup> *Pearson et al. vs. The International Distillery et al.*, 72 Iowa 348

firmed.<sup>120</sup> Thus the injunction was granted and the distillery was forced to close.

The breweries had generally closed a short time before the above decision. Certain cases arising in Kansas, where there was a prohibitory law almost identical with the one in Iowa, were taken to the Supreme Court of the United States. In the case of *Mugler vs. Kansas* (123 U. S. 623), it was held that the prohibition of the manufacture and sale of intoxicating liquors within a State, came within the police power of the State and did not violate any of the provisions of the Constitution of the United States; that it was not necessary that persons whose property was made valueless in consequence of such a law should be compensated for their loss by the State; and that the destruction or confiscation of property which constituted a nuisance was not depriving a man of his property without due process of law and therefore was constitutional. This decision was accepted as final by a majority of the Iowa brewers without waiting for a test case in their own State.

Thus it will be seen that the prohibitory law had resulted in the closing of a majority of the distilleries and breweries. On July 26, 1887, Governor Larrabee sent out a circular letter to the Sheriffs of the counties, asking them to fill out the following blank form and return to him:

\_\_\_\_\_County, \_\_\_\_\_ 1887

1st Approximate number of saloons in your county on the 1st day of August 1887\_\_\_\_\_

2nd Largest number of saloons in the County at any time during the past two years\_\_\_\_\_

\_\_\_\_\_  
Sheriff.

The results of this circular letter<sup>121</sup> are embodied in the

<sup>120</sup> *Kidd vs. Pearson*, 128 U. S. 1.

<sup>121</sup> Public Archives, Office of the Governor, Des Moines.

# HISTORY OF LIQUOR LEGISLATION IN IOWA 561

following table which, perhaps, is as authoritative a statement of the effect of the prohibitory law up to 1887 as it would be possible to obtain. (See also Map III.)

COUNTIES	APPROXIMATE NO. OF SALOONS AUG. 1, 1887	LARGEST NO. OF SALOONS DURING PAST TWO YEARS
Adair	0	0
Adams	0	2
Allamakee	2	14
Appanoose	0	0
Audubon	0	6
Benton	0	0
Black Hawk	10	20
Boone	0	11
Bremer	0	4
Buchanan	0	14
Buena Vista	0	4
Butler	0	0
Calhoun	0	0
Carroll	27	40
Cass	0	20
Cedar	3	12
Cerro Gordo	0	0
Cherokee	0	0
Chickasaw	8	16
Clarke	0	0
Clay	0	0
Clayton	Do not know	Do not know
Clinton	Refuse to state	Refuse to state
Crawford	13	13
Dallas	0	7
Davis	0	0
Decatur	0	1
Delaware	0	8
Des Moines	80	80
Dickinson	0	3
Dubuque		
Emmet	0	0
Fayette	0	22



COUNTIES	APPROXIMATE NO. OF SALOONS AUG. 1, 1887	LARGEST NO. OF SALOONS DURING PAST TWO YEARS
Floyd	0	6
Franklin	0	2
Fremont	0	12
Greene	0	0
Grundy	9	12
Guthrie	0	2
Hamilton	0	0
Hancock	0	4
Hardin	0	2
Harrison	0	17
Henry	0	2
Howard	0	0
Humboldt	0	0
Ida	0	5
Iowa	0	0
Jackson	30	40
Jasper	0	0
Jefferson	1	10
Johnson	0	Do not know
Jones	0	10
Keokuk	(Reported by Ex-Senator C. M. Brown) 0	35
Kossuth	0	1
Lee	75	75
Linn	0	60
Louisa	0	0
Lucas	0	16
Lyon	0	0
Madison	0	0
Mahaska	0	0
Marion	0	0
Marshall	0	37
Mills	19	19
Mitchell	0	0
Monona	0	8
Monroe	0	0
Montgomery	0	0
Muscatine	0	7

# HISTORY OF LIQUOR LEGISLATION IN IOWA 563

COUNTIES	APPROXIMATE NO. OF SALOONS AUG. 1, 1887	LARGEST NO. OF SALOONS DURING PAST TWO YEARS
O'Brien	0	0
Osceola	0	0
Page	0	0
Palo Alto	6	6
Plymouth	3	40
Pocahontas	0	0
Polk	0	135
Pottawattamie	35	90
Poweshiek	0	0
Ringgold	0	0
Sac	0	0
Scott	Do not know	Do not know
Shelby	0	18
Sioux	1	4
Story	0	3
Tama	0	5
Taylor	0	0
Union	0	0
Van Buren	0	0
Wapello	40	60
Warren	0	0
Washington	0	0
Wayne	0	0
Webster	0	15
Winnebago	0	1
Winneshiek	18	48
Woodbury	0	108
Worth	0	7
Wright	0	0

During the political campaign of 1887 prohibition was again one of the leading issues. The Republicans declared that Iowa had "no compromise to hold with the saloons", and favored the vigorous enforcement of the law and further amendments to prevent drug stores and wholesale houses from becoming the successors to the saloon.<sup>122</sup> The Demo-

<sup>122</sup> *Iowa City Daily Republican*, Vol. XI, No. 274, Thursday, August 25, 1887.

crats advocated a license system with five hundred dollars as the minimum price of a license.<sup>123</sup> The Prohibitionists held a convention at Des Moines on July 14, adopted an elaborate platform, and nominated a State ticket headed by V. G. Farnham of Plymouth County.<sup>124</sup> It is rather interesting to note that Farnham received only three hundred and thirty-four votes — the smallest number ever received by a Prohibitionist candidate in Iowa.

It was within the ranks of the established parties that the prohibition question played an important part in the contest. One newspaper even went so far as to say that the results of the election showed "that party lines were almost wholly ignored and that prohibition was the central issue in the struggle." The statement was also made that money was freely used by the liquor dealers in the effort to secure the election of legislators who would favor the repeal of the prohibitory law.<sup>125</sup> In the election of county officers the Prohibitionists were more successful than in the contest for Governor — as for instance, in Polk County where they elected one of the two representatives and all the other county officers except sheriff.<sup>126</sup>

Governor Larrabee, in his message of January 11, 1888, declared that while in general the prohibitory law was being enforced and public sentiment was in favor of it, nevertheless there were some localities in which it was openly violated. Especially did he denounce the laxness of officers whose duty it was to enforce the law. "Citizens have again and again called upon me", said he, "to enforce the Prohibitory Law in the few counties and places where, as yet,

<sup>123</sup> *Iowa City Daily Republican*, Vol. XI, No. 281, Friday, September 2, 1887.

<sup>124</sup> *Iowa City Daily Republican*, Vol. XI, No. 238, Friday, July 15, 1887.

<sup>125</sup> Quoted from the *Council Bluffs Nonpareil* in the *Iowa City Daily Republican*, Vol. XI[XII], No. 29, Saturday, November 12, 1887.

<sup>126</sup> *Iowa City Daily Republican*, Vol. XI[XII], No. 25, Wednesday, November 9, 1887.

but little regard has been paid to it. I in turn have called upon the judges, sheriffs, and other officers to aid in accomplishing this, but, I regret to say, without success. . . . I think some measures should be adopted to quicken the consciences of the officials, who neglect or refuse to perform their sworn duty; or else provide a way for their suspension or removal."

At about this same time the Governor also transmitted to the General Assembly a series of letters which he had received from District and Superior Court judges in reply to a communication asking their views regarding needed legislation and the effect of the prohibitory law. Probably no class of men in the State had a better opportunity to judge of the workings of the law, and hence their opinions were especially valuable. From these letters it appears that, while the majority of the judges approved of the law and only suggested further amendments, there were many who were strongly opposed to it, and still others who, though somewhat dissatisfied with the law, did not favor its repeal until it had been given a more extended trial. It is noticeable that those judges who heartily favored the law, in nearly every case, came from those Districts in which there were no large cities and where there was the least difficulty in enforcing prohibition.

Various reasons were given by the judges who advocated the repeal of the prohibitory law. "You ask me whether I would advise the repeal of the present law," wrote Judge Charles H. Phelps of the First District. "In its present form, I say, yes. Its penalties are so severe, its practical destruction of valuable property, particularly expensive breweries, seems to many temperate and right minded people so unjust, that in counties where prohibitionists are not in the majority, juries will not convict, and the result is free whiskey. In its stead I would propose local option and



high license. . . . The efforts to enforce the present law have cost this county between six and ten thousand dollars, nearer the latter sum, with no beneficial results, and our tax payers are getting very tired of it."

Another judge said that "if it has had any effect, it has been to cause the sale of a more vile and injurious article of liquors." "The present law has afforded opportunities for impecunious lawyers to use it to their own profit", declared Judge W. F. Brannan, "suits upon the various clauses of section 1539, code, have been freely brought in some of the counties of this district, many of which, brought merely to extort money, have accomplished their purpose, and the suits have been dismissed without benefit to the school fund. Injunction suits have in like manner been instituted which have been dismissed for a consideration paid to the attorney who brought them, as I am informed."

Still another judge objected to the prohibitory law on the grounds that it discouraged immigration to, and encouraged emigration from the State. Speaking of Dubuque County, Judge Ney of the Tenth District said, "I have no hopes for the successful enforcement of prohibition in that county, unless there should be an entire revolution of the popular feeling."<sup>127</sup> These and other objections of a similar character were urged by the judges from the districts in which public sentiment was not in favor of the law. At the same time a large majority of the judges were opposed to a repeal of the law until it had been given a more thorough trial.

In 1888 the General Assembly, acting in accordance with the recommendations of the Governor and the advice of the judges, passed three acts designed to strengthen the prohibitory law. The first of these was very elaborate and de-

<sup>127</sup> *Letters Written by District and Superior Court Judges to the Governor, Embodying their Views Concerning Needed Legislation and the Operation of the Prohibitory Liquor Law, 1888, pp. 7, 19, 24, 26, 30.*

tailed and was directed against the illegal sale of intoxicating liquors by pharmacists. It was made much more difficult to secure a permit to sell, and the applicant was required to give a heavy bond and take an oath that he would not violate the law. It was further provided that all requests for liquor must be made on blanks furnished by the county at cost, and that these blanks must be preserved by the permit holder and returned to the County Auditor. Permits might be revoked at any time, and the Commissioners of Pharmacy were required to cancel the registration of any pharmacist convicted of more than one offense. Other provisions were made in regard to the keeping of records by holders of permits, and penalties for violation of the law.<sup>128</sup> The second law also related to pharmacists and simply provided for the release of penalties in certain cases.<sup>129</sup> The remaining act provided that in abating a nuisance the officer should "be entitled to the same fees for removing and selling the movable property that he would be for levying on and selling like property on execution", and that for closing a building and keeping it closed he should receive a reasonable fee. However, no person was permitted to receive fees in advance of the trial, and in case the court found that an action "was brought maliciously and without probable cause", the costs might be assessed against the person bringing the action. All injunctions were declared to be binding throughout the judicial district in which the action was brought. In all cases of proceedings against persons charged with violating injunctions ten per cent of the fine was to be given to the prosecuting attorney. Finally, it was provided that all packages of intoxicating liquors must be correctly labeled before shipment.<sup>130</sup>

<sup>128</sup> *Laws of Iowa*, 1888, pp. 91-103.

<sup>129</sup> *Laws of Iowa*, 1888, pp. 103, 104.

<sup>130</sup> *Laws of Iowa*, 1888, pp. 104-106.

With these additional regulations the attempt to enforce prohibition was continued with varying success in different localities. At Dubuque the liquor dealers formed a "Personal Liberty Association" the avowed object of which was to oppose the enforcement of the prohibitory law, and the result was that the saloons continued as openly as before.<sup>131</sup> Practically the same state of affairs maintained in all the river towns.

The law which imposed such severe restrictions upon the sale of liquors by pharmacists met with much opposition. In his address of welcome to the ninth annual meeting of the Iowa Pharmaceutical Association at Des Moines in May, 1888, Hon. Carroll Wright said, "you who have a pride in your calling and who have conducted a legitimate pharmacy, are being made to suffer for the misdeeds of those who, creeping into the drug business by the back door, have converted their certificate into a license for a saloon. I may be mistaken, but I think the legislature of Iowa could have rid you of those pests without casting upon the entire calling an unjust reflection." The attitude conveyed in these words was very manifest throughout the proceedings of the convention.

One member of the association who was unable to be present at the meeting, wrote a letter in which he waxed eloquent over the injustice of the law in regard to pharmacists. "I presume", said he, "we shall soon be back under the old blue laws of New England, and be obliged to get a permit to kiss our wife on Sunday, or any other woman on Monday, which law would only be imposed through envy and jealousy, as the prohibitory laws of Iowa are generally enforced through malice and revenge. It does seem to me the last Legislature (if indeed it is entitled to the digni-

<sup>131</sup> *Iowa City Daily Republican*, Vol. XI[XII], No. 113, Thursday, February 23, 1888.

ty of the name), did all they possibly could, and worked with a zeal worthy of a better cause, to cripple the industries and destroy the moral and material prosperity of the State, with an equanimity without a parallel in either ancient, or modern history, except perhaps, in the instance of Nero, fiddling while the capital of his empire was burning." Of course this tirade expresses the sentiments of the most violent opponents of the law, but there was throughout the State a feeling that the law was too severe, not only among the pharmacists themselves but among other people who were in a position to judge of the workings of the law.<sup>132</sup>

During the year 1888 the question of the maintenance of a separate political party was one which greatly agitated the minds of the Prohibitionists. Although there was a sufficient number of men who wished to and did continue a separate party organization, there were several leading Prohibitionists who opposed such action. A pamphlet containing open letters by S. N. Fellows, E. K. Young, and D. R. Lucas was circulated in the effort to induce Prohibitionists to remain in one of the old parties, but the failure of this effort is shown by the fact that since 1884 the Prohibition party has had a continuous existence in Iowa.<sup>133</sup>

One of the greatest obstacles to the success of prohibition was the reluctance, and in many cases the refusal, of officers to enforce the provisions of the law. It is a commonly known fact that in many cases municipal and county officers were elected solely on the condition that they would not attempt to enforce the prohibitory law. The following extracts from letters to Governor Larrabee are only good illustrations of the complaints that poured into the executive office:

<sup>132</sup> *Proceedings of the Ninth Annual Meeting of the Iowa State Pharmaceutical Association*, 1888, pp. 5, 7, 30, 31, 33, 39.

<sup>133</sup> Fellows's *Open Letters to the Prohibitionists of Iowa*, 1888.



Fort Dodge, Iowa, January 28th, 1889

I think there is no doubt but what there is a considerable liquor being sold here contrary to law; but it is almost impossible to get evidence to convict these violators. Our Justices of the Peace and Constables are all Democrats, and hence liquor men; also the Sheriff. If a search warrant is sued out to search these places the violators are sure to hear of it before the officer arrives on the ground.

Reinbeck, Iowa, March 11th, 1889

In this little town of about 800 inhabitants there is five saloons running openly. Beer is ship[p]ed in here by the carload, & the law is defied. The County Sheriff drinks with them. The city Marshall is a saloon loafer, & is full most of his time. The Mayor drinks, & stands in with the saloons. . . . <sup>134</sup>

With conditions similar to those described in these letters existing in many localities, especially in the larger cities, it is not strange that the prohibitory law was constantly disregarded. Moreover, the methods used in the efforts to enforce the law in many places brought the prohibition idea into disfavor. It has been asserted, and doubtless with much truth, that the law gave rise to a class of petty lawyers and professional informers whose main purpose was to spy upon supposed violators of the law and institute prosecutions solely for personal gain. A system of extortion very closely allied to blackmail was often resorted to. "Thousands of cases have been filed in various courts," says one writer, "the original notices served by officers, and the cases settled by the payment to the attorneys bringing the suits, of such amount of 'fees' as could be agreed upon. . . . Instances are known where some of these blackmailers have deliberately gone from saloon to saloon, week after week and month after month, at stated intervals,

<sup>135</sup> Public Archives, Office of the Governor, Des Moines.

and collected amounts of money from them with as much regularity as licenses would be collected by a city.”<sup>135</sup>

In spite of the many violations and abuses and the indifference of officials, it may be said that up to 1889 the prohibitory law was reasonably successful as far as the closing of saloons was concerned. The Secretary of the State Temperance Alliance sent a circular letter to the Clerk and Sheriff of each of the counties asking information in regard to the operation of the law. Statistics prepared from the answers to this letter were presented at the annual meeting of the Alliance in 1889. In eighty-three counties the law was reported a success and a benefit to the people. Seventy-three counties reported a decrease in crime and criminal prosecutions. Outside of the river counties it was reported that there were only eighty-five saloons in the State and that these were located in five counties.<sup>136</sup> Moreover, the general belief in the efficacy of the law at this time is shown by a second series of letters written to the Governor by the district judges. Of the twenty-one judges replying to the Governor's inquiries only two were in favor of the repeal of the prohibitory law.<sup>137</sup>

One of the most reliable sources from which to determine the effect of the prohibitory law in reducing the number of saloons is to be found in the reports of the United States Commissioner of Internal Revenue. The report for the year ending April 30, 1883, shows that of the 21,495 persons in Iowa who had paid the United States special tax upon the manufacture and sale of certain commodities, there were 20 rectifiers, 5,001 retail dealers in intoxi-

<sup>135</sup> Faulkes's *Iowa's White Elephant*, p. 45.

<sup>136</sup> *Proceedings of the Thirteenth Annual Meeting of the Iowa State Temperance Alliance*, 1889, pp. 20-22.

<sup>137</sup> *Letters Written by District and Superior Court Judges to the Governor, Embodying their Views Concerning Needed Legislation and the Operation of the Prohibitory Liquor Law*, 1890.

ating liquors, 86 wholesale dealers in intoxicating liquors, 117 brewers, 283 retail dealers in malt liquors, and 67 wholesale dealers in malt liquors.<sup>138</sup> This was before the enactment of the prohibitory law of 1884. In 1888, when prohibition had been in force four years, the report shows a total of 6 rectifiers, 2,928 retail dealers in intoxicating liquors, 36 wholesale dealers in intoxicating liquors, 74 brewers, 249 retail dealers in malt liquors, and 48 wholesale dealers in malt liquors.<sup>139</sup> It must be remembered that in both instances the number of retail dealers included druggists as well as saloon-keepers, and that in the latter year the druggists doubtless constituted a much larger proportion of the total number than in the statistics for 1883.

Many interesting facts are also revealed in a later report of the Commissioner of Internal Revenue. It is there shown that whereas in 1883 the amount received from the tax on spirituous liquors in Iowa was 4.5050 per cent of the whole amount collected in the United States, in 1889 the amount collected in Iowa was only .0989 per cent of the whole. The great decrease of the manufacture of intoxicating liquor within the State probably accounts for this large difference in percentages, as the distilleries and breweries had been the most fruitful source of revenue. Another fact shown in the report of 1895 is that in 1883 the total amount of revenue received from all sources in Iowa by the United States government was \$4,062,720.07, while in 1889 it was \$392,576.90, a decrease which was largely due to the prohibitory law. Moreover, it is shown that in 1883, there were 4,285,162 gallons of distilled spirits manufactured in Iowa, while in 1889 only 575 gallons were produced.<sup>140</sup>

<sup>138</sup> *Annual Report of the Secretary of the Treasury on the State of the Finances*, 1883, p. 145.

<sup>139</sup> *Annual Report of the Secretary of the Treasury on the State of the Finances*, 1888, p. 309.

<sup>140</sup> *Report of the Commissioner of Internal Revenue*, 1895, pp. 252, 253, 327, 328, 384, 385.

The facts given in the foregoing paragraphs all go to show that down to 1889, the prohibitory law had the effect of greatly reducing the number of places where liquor was sold openly, and that it practically abolished the manufacture of liquor within the State.

## THE CAMPAIGN OF 1889

One of the most interesting episodes in the political history of Iowa is the campaign and election of 1889—not only because the result was the defeat of the party which had been in power in the State since 1854, but also because of the circumstances which led to that defeat. In any attempt to explain the Democratic victory the prohibition question must be given a prominent place. This election may be said to mark the beginning of the return swing of the pendulum of public opinion against prohibition.

In their platforms the two leading parties took their accustomed stand upon the liquor problem. The Republicans said "we reaffirm the past utterances of the Republican party of Iowa upon prohibition, which has become the settled policy of the State, and upon which there should be no backward step. We stand for the complete enforcement of the laws." It was doubtless the declaration that prohibition had become "the settled policy of the State" which caused much of the defection from the party at the polls in November. The Democrats declared for local option, with a minimum license tax of five hundred dollars for communities which voted in favor of license. They also arraigned the Republican party "for changing the pharmacy laws of the State by which a great hardship and gross indignity has been imposed on honorable pharmacists and upon all the people requiring liquor for the actual necessities of medicine."<sup>141</sup>

<sup>141</sup> *Iowa Official Register*, 1890, pp. 107, 110.



The Prohibitionists held a convention at Cedar Rapids on June 6, and nominated a State ticket headed by Malcom Smith of Linn County. In their platform they declared for the continuance of prohibition and against any form of license. In addition, they advocated woman suffrage, laws for the observance of the Sabbath, arbitration in labor disputes, immigration laws, the Australian ballot, and the popular election of President, Vice-President, and United States Senators.<sup>142</sup>

As the campaign wore on the prohibition question played an important part in political discussions both in the newspapers and by public speakers. The Democrats charged the Republicans with supporting an unjust and burdensome law which was not and could not be enforced. The Republicans insisted that the Democrats were inconsistent in that they opposed prohibition because it interfered with "personal liberty" and at the same time advocated a local option law, which would result in prohibition in three-fourths of the counties of the State.<sup>143</sup> Furthermore, it was claimed that many prominent Prohibitionists were endeavoring to defeat the Republican party.<sup>144</sup>

Election day came and Horace Boies, the Democratic candidate for Governor, received a plurality of 6,573, while the Republicans elected the remainder of their State ticket. Malcolm Smith, the Prohibitionist standard bearer, received 1,353 votes.<sup>145</sup>

The Republicans slowly awoke to the fact that their long record of victories had been broken, and for a few weeks next following the election they spent much time in the en-

<sup>142</sup> *Iowa Official Register*, 1890, pp. 116-118.

<sup>143</sup> *Iowa City Daily Republican*, Vol. XIII, No. 271, Saturday, September 21, 1889.

<sup>144</sup> *Iowa City Daily Republican*, Vol. XIII, No. 301, Tuesday, October 29, 1889.

<sup>145</sup> *Iowa Official Register*, 1890, p. 190.

deavor to explain the defeat. Republican newspapers were almost unanimous in assigning prohibition as one of the leading causes of the large defection from the ranks of the party. One editor was of the opinion that the result should be attributed to three causes: Hutchinson's lack of popularity and his extreme views on prohibition, Governor Larrabee's attitude toward the railroads, and one other cause which was more powerful than all others. "We mean Prohibition", declared the editor, "and dismissing every other factor in the contest this one is before the Republican party and will not down. It is a matter of household regulation that the Republican family must settle if the family does not want to be turned out of the house entirely by the neighbors. . . . In Iowa City, for instance, it is safe to say that the majority of the Republican business men voted for Boies."<sup>146</sup> Another editor asserted that "the feeble attempts made to enforce the prohibitory law, and the open violations in many places have led the people to desire a change."<sup>147</sup> It was evident to all that the anti-prohibition Republicans had deserted the ranks of their party. It was also evident, at least to some of the leaders, that the party must soon retreat from its advanced position on the prohibition question.

#### THE LAWS OF 1890

Naturally after such a decided reversal in what had seemed the accepted order in the political arena, the question of the best and most politic means of dealing with the liquor traffic was one which closely engaged the attention of the legislators who met at Des Moines in January, 1890. In his last biennial message Governor Larrabee stated at

<sup>146</sup> *Iowa City Daily Republican*, Vol. XIII, No. 311, Saturday, November 9, 1889.

<sup>147</sup> Quoted from the *Blairstown Press* in the *Iowa City Daily Republican*, Vol. XIII, No. 312, Monday, November 11, 1889.

great length his views on the temperance question. He traced briefly the history of liquor legislation in this State, and insisted that the prohibitory law was as well enforced in most localities as any other law. He strongly opposed the idea that since the saloon could not be entirely abolished, it should be made respectable by licensing it.

"The gilded or so-called respectable saloon", said the Governor, "is a ten-fold more dangerous allurements for our boys than the squalid outlawed whisky-den. If the sale of liquor as a beverage cannot be entirely suppressed, let it be monopolized by bootleggers and the keepers of dens and holes-in-the-wall." The decrease in crime and pauperism and the prosperous condition of the poorer classes were cited as evidence of the beneficial results of prohibition. He urged the continuance of the law until it had been fairly tested, and closed this portion of his message by referring to the persistence of the North during the Civil War and saying that "as the millions of happy people now bless those sturdy defenders of the Union, so will in days to come when the saloon is completely banished from our fair state, every hearth-stone invoke blessings upon those who now remain true to their convictions of right and the obligations of their trust."<sup>148</sup>

Horace Boies, the new Governor, in his inaugural address, expressed an entirely different attitude toward prohibition, not merely because he represented a party which was opposed to such a policy, but because it was his personal belief that some other method of dealing with the liquor traffic would be wiser and more successful. "In considering this question", said he, "we cannot rightfully shut our eyes to the fact that a considerable portion of our population have been taught from infancy to believe that the

<sup>148</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 184-192.

moderate use of malt and vinous liquors at least is not criminal, but instead thereof that it is actually beneficial."

It could not be expected, Governor Boies held, that any statute, however strong, would be able to alter such convictions. "Of all the means ever employed to improve the morals of men that of excessive punishment is the least effective", he declared. The prohibitory law, although every provision had been made for its enforcement, had "lain limp and lifeless, ignored, disregarded and despised in most of the large cities of the state". A local option law would provide for prohibition in localities where it could be enforced and at the same time would give those communities which did not favor prohibition, an opportunity to regulate the liquor traffic by license. Again, Governor Boies said: "In my own judgment the chief obstacle to the enforcement of this law lies in the fact that in and of itself it is a cruel violation of one of the most valued of human rights. By that act Iowa stands convicted of first making the business of the brewer and winemaker legal, of watching, without warning, the expansion of their business within her borders until millions upon millions of the capital of her citizens had been invested therein, and then coldly wiping it out without one effort to compensate those who were ruined thereby." Furthermore, he claimed that the majority of the voters at the preceding election had declared in favor of a change in the prohibitory law, and he urged upon the legislature the necessity of passing legislation for Iowa "wise enough to exercise a practical control over a traffic that to-day is unrestrained in most of her centers of population."<sup>149</sup>

Thus, the Twenty-Third General Assembly had before it the recommendation of two Governors who differed wide-

<sup>149</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 285-293.



ly in their opinions as to the best method of dealing with the liquor problem. The Republicans, however, still had a majority in the legislature, and since the Republican party had declared that there should be no backward step on the prohibition question, it was but natural that the views of Governor Larrabee should have more weight than those of Governor Boies.

Evidently the Prohibitionists feared that the prohibitory law was in danger, for both houses of the General Assembly were flooded with petitions from all parts of the State asking that no modification be made in the law. There were some grounds for the fears of the Prohibitionists, since in both houses numerous local option and license bills were introduced, and in the Senate one of these bills was defeated by a margin of only eight votes.<sup>150</sup> On the other hand, a joint resolution to amend the Constitution so as to prohibit the manufacture and sale of intoxicating liquor passed the Senate on April 15 by a vote of twenty-six to twenty-two.<sup>151</sup> A similar resolution was introduced in the lower house,<sup>152</sup> but neither this nor the Senate resolution seem to have gone beyond the committee to which they were referred. At any rate neither one passed the House of Representatives, although a majority of the members of that body favored a continuance of statutory prohibition.

After all the discussion two liquor laws were enacted near the close of the session. One of these went to great length in modifying the prohibitory law by repealing nearly the whole of the act of the preceding General Assembly which related to the sale of intoxicating liquors by pharmacists, and enacting new provisions in its stead. It is doubtful, however, whether the new law was any great im-

<sup>150</sup> *Journal of the Senate*, 1890, p. 613.

<sup>151</sup> *Journal of the Senate*, 1890, p. 752.

<sup>152</sup> *Journal of the House of Representatives*, 1890, p. 299.

provement over the old one. There were a few new provisions, some of which made the law more lenient, while others tended toward making it more severe, but there were no changes of a sufficiently radical nature to warrant any detailed discussion here.<sup>153</sup> The other act passed at this session deserves only a mention. Its contents may be best summed up in the somewhat long and cumbersome title: "An Act to amend Section 2272 of the Code of 1873, and to provide for appointing guardians of the person of habitual drunkards, and for the custody, restraint, and confinement of habitual drunkards, and their reformation, under orders of the district court, or the judge thereof; and for terminating such guardianship."<sup>154</sup>

#### THE ACT OF CONGRESS OF AUGUST 8, 1890

In 1890 an opportunity was given to test the constitutionality of the Iowa prohibitory law as far as it placed restrictions upon the importation of intoxicating liquors from other states and its sale in the original packages. A Peoria, Illinois, brewing firm had shipped a quantity of liquor to Keokuk, Iowa, to be sold in the original packages. A portion of the liquor was seized by the city marshal on the ground that it was being kept for sale contrary to the provisions of the prohibitory law. The brewers brought suit to recover the liquor and won their case in the Superior Court for the city of Keokuk, and the defendant took an appeal to the Supreme Court of Iowa, where the decision of the lower court was reversed. The case was then appealed to the Supreme Court of the United States, and in the opinion delivered in 1890 Chief Justice Fuller declared that the section of the Iowa prohibitory law which forbade the sale of imported liquors in the original packages

<sup>153</sup> *Laws of Iowa*, 1890, pp. 53-63.

<sup>154</sup> *Laws of Iowa*, 1890, p. 67.

was in violation of the Constitution of the United States because it interfered with interstate commerce, the regulation of which was left entirely to Congress. The right to import liquors implied the right to sell them, "by which act alone it would become mingled in the common mass of property within the State."<sup>155</sup>

This decision was a victory for the liquor dealers and original package houses did a flourishing business — not only in Iowa, but in all States where prohibition was in force. "Peaceful and quiet communities from which the sale of liquor had been banished for years", said Judge Caldwell, of the United States Circuit Court, "were suddenly afflicted with all the evils of the liquor traffic. The seats of learning were invaded by the original package vender, and the youth of the state gathered there for instruction were corrupted and demoralized, and disorder, violence, and crime reigned where only peace and order had been known before. The invaded communities were powerless to protect themselves. They could neither regulate, tax, restrain, nor prohibit this traffic."<sup>156</sup>

The result of these conditions was that petitions were sent from all parts of the country, but especially from Iowa, to Congress asking for the passage of a law prohibiting the transportation of intoxicating liquors to or through a prohibition State.<sup>157</sup> Congress did not deem it proper to comply with these requests, but on August 8, 1890, it did pass an act commonly known as the "Wilson Bill" which had been introduced by Senator James F. Wilson of Iowa. The following is the text of the act, which it will readily be seen was a direct blow at the original package traffic:

<sup>155</sup> *Leisy vs. Hardin*, 135 U. S. 100.

<sup>156</sup> *In re Van Vliet*, 43 Federal Reports 761.

<sup>157</sup> *Congressional Record*, 1st Session, 51st Congress (See Index).

That all fermented, distilled, or other intoxicating liquors or liquids transported into any State or Territory or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such liquids or liquors had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original package or otherwise.<sup>158</sup>

The constitutionality of the Wilson Bill was upheld in an Iowa case which was decided in the United States Circuit Court for the Eastern District of Arkansas, and also in a Kansas case which was appealed to the Supreme Court of the United States.<sup>159</sup> The result in Iowa was the closing of many of the original package houses which had sprung up after the decision in the case of *Leisy vs. Hardin*. The reports of the United States Commissioner of Internal Revenue for the years ending June 30, 1891 and 1892 show that in the year 1890-1891 there was in Iowa a total of 7,619 liquor dealers, including brewers, who paid the special United States tax, while in the year 1891-1892 the number had decreased to 5,209.

#### THE REACTION AGAINST PROHIBITION

The four years from 1890 to 1894 may be characterized as a period of reaction against the prohibitory law. This statement may meet with objection from those who most strongly favored the law, on the ground that prohibition was not given a fair chance under the Democratic administration of Governor Boies; but the facts do not warrant this objection. While the change of attitude may in part be attributed to political causes, it must also be admitted that the absolute failure of the prohibitory law in many

<sup>158</sup> *U. S. Statutes at Large*, Vol. XXVI, p. 313.

<sup>159</sup> *In re Van Vliet*, 43 Federal Reports 761; *In re Rahrer*, 140 U. S. 545.



localities and the abuses to which it gave rise in some cases induced a large number of people to alter their opinion as to the wisdom of absolute prohibition. It would be difficult in any other way to account for the decided change in the policy of the Republican party toward the regulation of the liquor traffic, or for the enactment of the mulct law in 1894. Political parties seldom make any great change in their policies unless it is manifest that such a change will bring them more votes; nor are important laws for the public welfare often enacted unless it is evident that a majority of the people desire such a law and that the conditions demand it.

As has already been suggested, the first decided evidence of the trend of public opinion against the prohibitory law is to be found in the election of Governor Boies in 1889. Prohibition was one of the leading issues in the campaign of that year, and it was well known that a Democratic victory would mean a change of policy in the matter of liquor legislation. The result of the election gave Republican leaders much to think about. On April 2, 1890, a conference of "Anti-Saloon Republicans" was held at Des Moines. There were about two hundred delegates present, and opposition was expressed to the further support of prohibition as a party measure. The attitude of those present is shown in the following resolution:

The experience of this as well as other states has conclusively shown that general prohibition, operating upon all communities alike, without respect to their habits, conditions, circumstances or desires is not adapted either to suppress intemperance or to promote morals. And therefore the experiment should be abandoned and the law so modified that those communities which desire a change shall have the right to determine for themselves whether intoxicating liquors shall be sold as a beverage within their limits.<sup>160</sup>

<sup>160</sup> *The Iowa State Register* (Weekly), Friday, April 11, 1890.

In January, 1891, the saloons which had almost entirely been driven out of Sioux City were allowed to return across the Missouri River from Covington, where they had taken refuge, and upon the payment of a tax into the city treasury were permitted to do a wide-open business without interference by the authorities. Commenting on this state of affairs, one Sioux City newspaper said the saloon "lays its cold and merciless hand upon the children of misfortune — upon the overburdened hearts of women. But there must be no fanaticism. There must be no restriction of personal liberty. The city must be run for revenue only. . . . The saloon has come back to stay. . . . It has wrapped itself in politics and has the promise of impregnability."<sup>161</sup>

One of the chief criticisms made against Governor Boies was his liberal use of the pardoning power. He was charged with prostituting that power "to the base use of defeating the operation of a law that happens not to meet with his personal or party approval!" It cannot be denied that Governor Boies remitted the fines and suspended the sentences of an astonishingly large number of violators of the prohibitory law, but practically the same thing may be said of Governor Larrabee during the latter years of his administration.<sup>162</sup> Moreover, it should be remembered that a large proportion of the cases in the courts during these years arose out of infringements of the prohibitory law, and hence it was but natural that the remissions and suspensions in these cases should bear an equal proportion to the total number. The methods used in some cases in securing conviction must also be taken into account.

In the spring of 1891 the State Temperance Alliance

<sup>161</sup> Quoted from *The Sioux City Journal* in *The Iowa State Register* (Weekly), Friday, January 23, 1891.

<sup>162</sup> See *Report by the Governor of Iowa of Pardons, Commutations, Suspensions of Sentence, and Remissions of Fines*, of the years 1890, 1892 and 1894.

made an effort to revive the old question of the validity of the Amendment of 1882 and bring it before the court once more. Mr. J. A. Harvey, President of the Alliance, asked Secretary of State McFarland for a certified copy of the State Constitution, including the prohibitory Amendment as adopted by the people in 1882. As had been expected, Mr. McFarland refused to grant this request on the grounds that the Amendment had been declared invalid and, therefore, was not a part of the Constitution. Mr. Harvey then made application in the courts for a writ of mandamus, in the hope of forcing the court to decide once more whether the Amendment had been legally adopted.<sup>163</sup> The effort caused somewhat of a stir for a short time, but it failed to bring the desired results. The question was not brought into the Supreme Court of the State at any rate.

In the campaign of 1891 it may be said that prohibition was again the leading issue as far as State policies were concerned. The Democratic party reiterated its declaration in favor of a license of five hundred dollars and local option. It was charged by the Republicans that the Democrats had abandoned the local option idea, but a reading of the Democratic platform shows this charge to be untrue.<sup>164</sup>

At the Republican State Convention an effort to substitute a license plank for the resolution favoring a continuance of prohibition was lost by the decisive vote of 951 to 84, amid the display of great enthusiasm.<sup>165</sup> Nevertheless, a weakening of the position assumed by the party toward prohibition is discernible in the following temperance plank in the platform, which shows a greater desire to use prohibition as a weapon against the Democrats than to support it as a wise policy:

<sup>163</sup> *The Iowa State Register* (Weekly), Friday, April 3, 1891.

<sup>164</sup> *Iowa Official Register*, 1892, p. 167.

<sup>165</sup> *The Iowa State Register* (Weekly), Friday, July 3, 1891.

We have no apologies to offer to the people nor to the Democratic party for the Republican record in the conspicuous issue in the State campaign this year. In the interests of true temperance and under the laws of Iowa enacted by the representatives of its sovereign people, the saloon was made an outlaw in this State. We charge that the outlaw has had the patronage, council and protection of the Democratic party; that the Democratic party, as it has won power, has nullified the law, defied the authority of the State, and the expressed will of the people, and that now an appeal is made to the electors of the whole State for approval of the lawless work. We recognize that it is law against defiance of law, subordination against insubordination; the State of Iowa against the Democratic party. We recognize that the issue is between true temperance and free and indiscriminate traffic; we renew our pledge to the people and submit the issue to them. We recognize the fact that the control of the next legislature by the Democratic party means State wide license, and the control of the next legislature by the Republicans means continued opposition to the behests of the saloon power through the maintenance and enforcement of law.<sup>166</sup>

The People's Party (organized during this year) in its platform censured both the Democrats and the Republicans "for the constant effort to re-open the temperance question in this State, to the exclusion of the grave economic questions which now confront the people."<sup>167</sup> The Prohibitionists nominated Isaac F. Gibson for Governor, and adopted a comprehensive platform favoring prohibitory amendments to the National and State Constitutions, and the establishment of a State constabulary to enforce the prohibitory law in the rebellious counties.<sup>168</sup>

As the campaign progressed each of the two leading parties seemed to center their efforts in the endeavor to discredit the other party on its attitude toward the liquor

<sup>166</sup> *Iowa Official Register*, 1892, pp. 163, 164.

<sup>167</sup> *Iowa Official Register*, 1892, p. 172.

<sup>168</sup> *Iowa Official Register*, 1892, pp. 173-175.



problem. The Republicans charged the Democrats with supporting the liquor traffic, and insisted, moreover, that a high license could never be collected in Dubuque, Clinton, Scott, Des Moines, Lee, Wapello, Pottawattamie, or other river counties, any more than prohibition could be enforced within their borders.<sup>169</sup> The Democrats asserted that, in the hope of controlling the farmer vote, the Republican newspapers were suppressing facts "that would show beyond question that prohibition is a failure in Iowa; that Des Moines has over 300 drinking places; that nearly all the cities and towns throughout the state have a greater number of open drinking resorts than they ever had before; that whiskey is just as free in Iowa as any other purchasable commodity".<sup>170</sup> Moreover, the Republicans were charged with selling out to the third party Prohibitionists and promising additional prohibitory legislation in return for the support of the Prohibitionists at the polls.<sup>171</sup>

The leading arguments used against the prohibitory law during this campaign are summed up in the following lines:

The right of trial by jury is denied; men may be arrested without warrant of authority; houses, offices, stores may be entered and searched; spies, informers and perjurers are offered bounties for ferreting out liquors; fines and penalties are enormous; punishments are harsh and severe, and the most summary destruction of property is authorized and encouraged. But the sale of liquor goes on. With all the extraordinary provisions of the present law it still is not enforced.<sup>172</sup>

Indeed, to give an adequate discussion of the part played by the prohibition question in the campaign of 1891 would require more space than can be devoted to that subject in

<sup>169</sup> *The Iowa State Register* (Weekly), Friday, July 10, 1891.

<sup>170</sup> *The Des Moines Weekly Leader*, Thursday, July 2, 1891.

<sup>171</sup> *The Des Moines Weekly Leader*, Thursday, July 30, 1891.

<sup>172</sup> *The Des Moines Weekly Leader*, Thursday, August 20, 1891.

this connection. One needs only to read the newspapers of that year to be impressed with the fact that throughout the State this question entered more or less into the election of officers from city marshal to Governor.

Horace Boies was reëlected Governor by a larger plurality than at his first election, receiving 8,213 votes more than Hiram C. Wheeler, the Republican candidate. The entire Democratic State ticket was also elected, which had not been the case two years before. Moreover, the Democrats elected a sufficient number of State Senators so that in the Twenty-fourth General Assembly there were twenty-five Democrats, twenty-four Republicans and one People's Party man in the Senate, whereas in the preceding session the Republicans had a majority of six. In the House of Representatives the situation was not materially changed.<sup>173</sup>

The results of the election could doubtless be explained in many ways; but this second Democratic victory, more sweeping and decisive than the first one, is clearly an evidence that the people were becoming more and more dissatisfied with prohibition, since that question had been one of the chief issues in the campaign. "The election is over", said a prominent Republican, "and Iowa has gone — not Democratic, but anti-Prohibition — that fact is now settled. . . . The hardest fight in the history of civilization, on prohibition, was made last Tuesday, and the sovereign voice of the people said we do not want prohibition."<sup>174</sup> And this was the verdict of many people, both at that time and since. Henceforth it became the ardent desire of Republican leaders to induce their party to abandon its support of prohibition.

Following the election the Republicans of northwestern

<sup>173</sup> *Iowa Official Register*, 1892, pp. 72, 74, 233.

<sup>174</sup> *The Iowa State Register* (Weekly), Friday, November 13, 1891.

Iowa held a conference at Sioux City. All factions of the party were represented and a movement to harmonize the party on the prohibition question was inaugurated. It was the sentiment of this conference that the prohibitory law should be repealed. Moreover, in a series of communications from leading Republicans all over the State, printed in a Des Moines newspaper, stating their opinions as to the attitude the Republican party should assume toward prohibition, a majority favored either a resubmission of the question to a vote of the people, or a local option law.<sup>175</sup>

In the midst of the growing dissatisfaction with prohibition, however, it must not be thought that efforts to enforce the prohibitory law were abandoned. The prosecutions continued as before and with reasonable success in many places.<sup>176</sup> The temperance forces were active, and where the officers were sympathetic their efforts were attended with good results. "The only difficulty in enforcing prohibition in Iowa", said one editor, "has been the shameful neglect, inactivity and culpability of officials who have had a greater desire for the votes of saloon worshippers than they have had respect for the law or their oaths."<sup>177</sup>

No liquor laws were enacted by the General Assembly in 1892, although strenuous efforts were made to do so. These efforts, however, are interesting in that they show the attitude of the legislators toward prohibition and in a sense pave the way for the legislation at the next session of the legislature.

Of the ten liquor bills introduced in the Senate seven provided for local option and license, while none of them can be said to have contemplated a strengthening of the prohibitory law. One of the local option bills lacked only

<sup>175</sup> *The Iowa State Register* (Weekly), Friday, November 27, 1891.

<sup>176</sup> *The Iowa State Register* (Weekly, Friday, February 12, 1892.

<sup>177</sup> *The Iowa State Register* (Weekly), Friday, March 4, 1892.

one vote of passing, while another, known as the Gatch bill, passed by a vote of twenty-seven to twenty-two,<sup>178</sup> but was not concurred in by the House.

In the House of Representatives where the Republicans had a majority the sentiment in favor of a continuance of prohibition was stronger, but all bills, local option and prohibitory alike, met the same fate — that of indefinite postponement.<sup>179</sup> Two joint resolutions regarding the liquor problem were adopted by the House. One of these instructed the Iowa delegation in Congress to use their efforts to secure the adoption of a law prohibiting the granting of United States special tax licenses to retail liquor dealers “unless such persons hold lawful permits issued in accordance with the laws of the State or Territory in which such special tax is to be collected”. The other joint resolution was one “proposing to amend the constitution so as to prohibit the manufacture and sale of intoxicating liquors as a beverage”.<sup>180</sup> Neither of these resolutions received the concurrence of the Senate.

While the Gatch local option bill was supported by nearly all the Democratic members of the Senate, several of them hastened to explain their votes. They regarded the proposed measure as an effort of the Republican party to shift the responsibility for enacting a local option law, but they were willing to support it because it was a step away from absolute prohibition. One Senator in expressing his views as to the necessity of a change in the manner of dealing with the liquor traffic, discussed the operation of the prohibitory law in the following words, which, if based on facts, are significant:

<sup>178</sup> *Journal of the Senate*, 1892. Senate file, Nos. 1, 23.

<sup>179</sup> *Journal of the House of Representatives*, 1892. House file, Nos. 4, 25, 105, 118, 253.

<sup>180</sup> *Journal of the House of Representatives*, 1892. House Joint Resolutions, Nos. 4, 7.



There is not a city in Iowa of five thousand population where prohibition is a success. Des Moines, the seat of all the leading prohibition forces of the State, where the State Temperance Alliance meets, and from which all prohibition works proceed, where there is a Republican mayor and police force, prohibition is simply a farce. There are not less than one hundred open saloons in this city where men can walk up to the bar and order their drinks, all the way up from a glass of beer to a cocktail, without answering questions. In cases like these but few men can deny that license will greatly improve the situation, even from a moral standpoint.<sup>181</sup>

While the legislature was still in session an enthusiastic temperance meeting was held at Mount Pleasant where strong opposition was expressed toward the Gatch local option bill, which was pronounced a long backward step in liquor legislation.<sup>182</sup> On the other hand, a conference of anti-prohibition Republicans from different parts of the State was held at Des Moines late in March. A committee was appointed to confer with the Republican House caucus and ask for a high license and local option measure similar to the Gatch Bill. Moreover, those attending the conference pledged themselves to "use every influence to induce the Republican party to discontinue the policy of prohibition as a party measure."<sup>183</sup>

During the fall of 1892 and the spring of 1893 the State Temperance Alliance seems to have become hopelessly divided over the question of the support of a third party, and charges of corruption were made against some of the officers. However true these charges may have been it is nevertheless a fact that after this time the influence of the Alliance seems to have declined rapidly. It seems that at the annual meeting in 1893 not more than fifty members were present, and that most of these were old people.

<sup>181</sup> *Journal of the Senate*, 1892, p. 379.

<sup>182</sup> *The Iowa State Register* (Weekly), Friday, March 4, 1892.

<sup>183</sup> *The Iowa State Register* (Weekly), Friday, April 1, 1892.

“Nothing more plainly than this showed that the Alliance has been captured by the third party Prohibitionists,” commented the editor of the *State Register*, “that it has outlived its usefulness, and has fallen into the hands of men and women who are unable to rally to the cause they espouse the achieving aid of the young and progressive men of the state.”<sup>184</sup> At about this time the Alliance was deserted by many prominent and earnest Prohibitionists who did not believe in the third party idea.

Early in 1893, before the campaign was opened, leading Republicans were busy discussing the attitude which their party should assume toward the prohibition question. Nearly all were agreed that it would not be wise to continue to support absolute prohibition. The newspapers were inclined to take the ground that the party had done its full duty in regard to the prohibitory law and that the question should now be left to the people to decide. Moreover, there was a tendency to make light of the importance of the prohibition issue in the hope of inducing people to line up upon broader questions of National governmental policy. The fact that in 1891 the Democrats had elected six out of the eleven Representatives in Congress had alarmed Republican leaders at Washington, and there is evidence that in 1893 much outside pressure was brought to bear upon the leaders of the party in Iowa to induce them to abandon prohibition as a political issue in the hope of bringing Iowa again safely within the ranks of Republican states.

A conference of the members of the Republican State Central Committee was held at Des Moines in March for the purpose of making plans to unify the party and keep it together at the coming election. It was the general belief of those present that Republican Prohibitionists would be

<sup>184</sup> *The Iowa State Register* (Weekly), Friday, March 3, 1893.

willing to make concessions "in order to preserve the life of the party in the state" and to save "what may be saved of real temperance prohibition even if political prohibition has to suffer in the operation." It was charged with much truth that "Prohibition for prohibition's sake has been the blighting curse of temperance in Iowa."<sup>185</sup>

The Republicans were the first to hold a State convention. The result of the changed attitude of the party toward prohibition is seen in the following plank in the platform, which is virtually an acknowledgment of the desire of the party to get rid of a troublesome issue without committing itself to any new policy:

That prohibition is no test of Republicanism. The General Assembly has given to the State a prohibitory law as strong as any that has ever been enacted by any country. Like any other criminal statute, its retention, modification or repeal must be determined by the General Assembly, elected by and in sympathy with the people, and to it is relegated the subject, to take such action as they may deem just and best in the matter, maintaining the present law in those portions of the State where it is now or can be made efficient, and giving to other localities such methods of controlling and regulating the liquor traffic as will best serve the cause of *temperance and morality*.<sup>186</sup>

This resolution gave rise to much discussion in the convention before it was finally adopted. Judge George B. Struble of Tama County moved to amend the plank by omitting all instructions to the legislature, or in other words omitting that part of the resolution beginning with the word "maintaining". It was over this amendment that the contest occurred. The debate lasted three hours. The Prohibitionists in the convention favored the amendment because, they said, the plank as it stood virtually in-

<sup>185</sup> *The Iowa State Register* (Weekly), Friday, March 31, 1893.

<sup>186</sup> *Iowa Official Register*, 1894, p. 100.

structed the General Assembly for local option. The anti-Prohibitionists, on the other hand, opposed the amendment on the ground that the omission of the instructions would leave the whole matter just where it stood before, and would afford no promise of relief for those counties where prohibition was a burden and a failure. The amendment was lost by a vote of 613 to 590, when the plank as given above was unanimously adopted together with the remainder of the platform.<sup>187</sup>

The Democrats, with characteristic consistency, again advocated a local option and high license law and in addition declared that "as a partial reparation for the unjust confiscation of private property caused by the prohibitory law we favor such legislation as will permit the manufacture of spirituous and vinous liquors within the State".<sup>188</sup>

The People's Party charged that both the Republicans and the Democrats were "engaged in an attempt to outbid one another for the support of the saloon element in the state, and are seeking to drown by their cry for the saloon every other important consideration relating to the public welfare." A system of State or National control by which all profits of the liquor traffic would be eliminated was advocated.<sup>189</sup>

The Prohibitionists adopted the most lengthy platform of the year. They were strong in their opposition to "the proposition for resubmission, local option or the mullet system", which they declared not only endangered the prohibitory law, "but offers nothing good instead and exhibits a desire on the part of the originators of all such schemes to get rid of prohibition in any form and all responsibility for its support." They condemned the Na-

<sup>187</sup> *The Iowa State Register* (Weekly), Friday, August 18, 1893.

<sup>188</sup> *Iowa Official Register*, 1894, p. 103.

<sup>189</sup> *Iowa Official Register*, 1894, p. 107.



tional government for receiving revenue from the liquor traffic, and in strong terms denounced Governor Boies for "his persistent opposition to the prohibitory law". In addition to these declarations the platform touched upon a great variety of governmental policies, both State and National.<sup>190</sup>

Without going into the details of the campaign of 1893 it will, perhaps, be sufficient to say that prohibition was one of the prominent issues, as might be expected after the foregoing declarations in the party platforms. Frank D. Jackson, the Republican candidate for Governor, was elected by a majority of 32,161 over Horace Boies, who was candidate for a third term on the Democratic ticket. Bennett Mitchell, the Prohibitionist candidate received 10,349 votes, a startling increase over the vote for Isaac T. Gibson, two years before. The Republicans elected the entire State ticket by even larger pluralities than that given to Jackson. The Democrats also met with heavy losses in the election of legislators. In the Twenty-fifth General Assembly the Republicans had a majority of eighteen in the Senate, and a majority of fifty-six in the House of Representatives.<sup>191</sup>

While the changed attitude of the Republican party toward prohibition is probably not the only explanation of the complete and remarkable victory of that party, it may with truth be assigned as the principal cause. And in whatever manner people were disposed to account for the result, it was the general belief that absolute prohibition was doomed and that the next General Assembly would adopt a different method of dealing with the liquor traffic. Bereft of the support of either of the leading political parties, it was only a few months until the reaction against the prohibitory law was to culminate in the enactment of the mulct law.

<sup>190</sup> *Iowa Official Register*, 1894, pp. 109-111.

<sup>191</sup> *Iowa Official Register*, 1894, pp. 37, 41, 186.

Prohibition had been in force ten years — certainly long enough to give it a fair trial. Whether it was on the whole a success will be a disputed question as long as there is difference of opinion as to the best method of dealing with the liquor problem. That in some counties the law was all that could be desired while in other localities it was not and could not be enforced, is a fact now generally admitted. At the National Conference of Charities and Correction at Chicago in 1893, Miss M. E. Starr in reporting for Iowa produced figures to show that in one city there was one saloon for every two hundred inhabitants; and in another city, somewhat larger, there was one saloon to every one hundred and twenty-four inhabitants, or one saloon to every twenty-nine voters. Moreover, she asserted that as nearly as could be determined there were about 3,500 open saloons in the State in addition to the drug stores and other secret drinking places, making an average of one open saloon to every forty-one families in those communities where saloons existed.<sup>192</sup> If these figures are accurate they do not speak very well for prohibition in some localities. A reference to the report of the United States Commissioner of Internal Revenue for 1893 reveals the fact that during the year 1892-1893 the total number of liquor dealers, including brewers, who paid the special tax was 6,599, which was a great increase over the number during the earlier years of the prohibitory law.

Along with the reaction against prohibition there had been a gradual disintegration of the various temperance organizations of the State. It is to be feared that in their zeal to become a force in politics many members of these organizations lost sight of the high purpose for which they had banded themselves together. A prominent Prohibi-

<sup>192</sup> *Proceedings of the National Conference of Charities and Correction*, 1893, pp. 321, 322.

tionist writer has the following to say of the conditions in the temperance camp at the beginning of the year 1894:

At the close of Governor Boies' administration in January, 1894, general apathy and demoralization of temperance forces prevailed. The State Temperance Alliance had practically disbanded, the Woman's Christian Temperance Union was divided into Partisan and Non-Partisan organizations and had lost much of their zeal, prestige and influence, many prohibition workers were completely discouraged, and some had removed from the state.<sup>193</sup>

#### THE MULCT LAW OF 1894

In tracing the origin of the mulct law, the beginnings must be looked for in the discussions of the year 1893. When it became evident that prohibition would no longer satisfy the majority of the people it was realized that something must be substituted for it, and many new systems were suggested. Among them the one which was received with the greatest favor was known as the no-license or mulct tax system, modelled for the most part after the Ohio law. The credit for suggesting this plan is usually given to Welker Given, who was at that time editor of the *Marshalltown Times-Republican*. The plan was explained in detail by the originator, and while it was bitterly opposed by many people it received strong support not only from the newspapers but from many leading temperance men as well. One editor said that if it should become apparent that a majority of the people favored this system, then the prohibitory law should be modified without using any "devices of language to cover up the fact that we have acknowledged the failure of prohibition." After the discussion of the plan had gone on for some time and the system had been severely criticised, Mr. Given declared that he was willing to allow the no-license tax proposition to lie on the table

<sup>193</sup> Fellows's *History of Prohibition in Iowa*, p. 15.

until the next session of the legislature. "The persons now entitled to the floor", said he, "are the ones who can present plans looking to the abolition of the drink evil in the Iowa towns on the border line of the license state of Illinois."<sup>194</sup> Gradually the discussion was dropped; and so the matter rested until the General Assembly met in 1894.

Governor Boies in his retiring message to the legislature made a clear, logical plea for municipal and township local option. He did not approve of the Ohio mulct law. If such a system were adopted in Iowa he declared that the State "would stand before the world convicted of maintaining as part of its penal code a statute that it deliberately encourages its own subjects to violate." What he wished was a law providing for different methods of controlling the liquor traffic according to the needs and wishes of various localities. At the same time he pointed out that "whatever change is made in the law must of necessity apply alike to all parts of the State."<sup>195</sup>

In his inaugural address, Governor Jackson stated that while prohibition had driven the saloon out of existence in many counties, there were other localities in which the law was a failure. "From these localities", said he, "there is an earnest demand for relief — a demand, not from the law-defying saloon sympathizer, but from the best business element; from the best moral sentiment of such communities; from the churches and from the pulpit." He favored the continuance of the principle of prohibition, but advocated such modification as would make it possible to control the liquor traffic where the law could not be enforced.<sup>196</sup>

<sup>194</sup> *The Iowa State Register* (Weekly), Friday, April 14, and Friday, May 26, 1893.

<sup>195</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, pp. 376-381.

<sup>196</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VII, p. 16.



A large number of liquor bills were introduced in both houses of the legislature in 1894, but only those which became laws need be mentioned. The bill for the mulct law, which contained many of the features of the plan advocated by Mr. Given, was introduced in the House of Representatives on February 28 by the Committee on the Suppression of Intemperance. After much debate and several amendments a vote was taken and the bill was lost. A motion to reconsider prevailed and after more discussion another vote was taken and the bill was passed by a vote of fifty-three to forty-five.<sup>197</sup> In the Senate the bill was passed by a vote of twenty-six to twenty-four, after strenuous efforts to defeat it.<sup>198</sup> The law received the Governor's approval on March 29, 1894, and being deemed of immediate importance went into effect upon publication in the newspapers.

The essential features of the mulct law may be summed up briefly. It provided that a tax of six hundred dollars should be levied against all persons, except registered pharmacists holding permits, engaged in the sale of intoxicating liquors and against the owner of the property where such business was carried on. The tax was to constitute "a perpetual lien upon all property both personal and real, used in or connected with the business." The revenue derived from this tax was to be paid into the county treasury and one-half was to go to the general county fund and one-half to the municipality where the tax was collected. It was stipulated that nothing in the act should "be in any way construed to mean that the business of the sale of intoxicating liquors is in any way legalized, nor is the same to be construed in any manner or form as a license." It simply

<sup>197</sup> *Journal of the House of Representatives*, 1894, pp. 509, 692, 695, 696, 747, 748.

<sup>198</sup> *Journal of the Senate*, 1894, pp. 566, 567.

provided that, in cities of five thousand or more inhabitants, the payment of the tax should constitute a bar to proceedings under the prohibitory law in case there should be filed with the county auditor "a written statement of consent signed by a majority of the voters residing in said city who voted at the last general election," and in case the person paying the tax should conform with certain other conditions. The same provision held true in towns of less than five thousand inhabitants, with the exception that here the statement of consent must be signed by sixty-five per cent of the voters "residing within such county and outside of the corporate limits of cities having a population of five thousand or over".<sup>199</sup> Thus, while the prohibitory law was not repealed it was provided that that law might be violated upon the payment of a certain sum of money and the consent of a certain number of voters.

In addition to the mulct law the Twenty-fifth General Assembly passed an act amending the prohibitory law in regard to the keeping of records of liquor sales. Two joint resolutions were also adopted: one of them proposed to amend the State Constitution so as to prohibit the manufacture and sale of intoxicating liquors; while the other provided for the publication and distribution of ten thousand copies of the mulct law.<sup>200</sup> The prohibitory amendment resolution was not agreed to by the succeeding General Assembly and hence was never submitted to a vote of the people.

#### THE EARLY YEARS OF THE MULCT LAW

No attempt will be made in this paper to discuss the general workings of the mulct law during the fifteen years which have passed since its enactment. But it is desirable

<sup>199</sup> *Laws of Iowa*, 1894, pp. 63-69.

<sup>200</sup> *Laws of Iowa*, 1894, pp. 70, 203, 206.

to give some idea of the manner in which the new law was received, and some facts as to its immediate effect.

It cannot be said that the law was given a very enthusiastic reception. In the first place, there were doubtless many who did not fully understand its provisions. To the radical Prohibitionists it seemed a complete overthrow of all their principles. Republican editors were cautious in their praise of the law, which they preferred to speak of as a fulfillment of the promises made in the Republican platform of 1893 rather than as the best plan which might be devised to control the liquor traffic. For instance, one leading Republican editor said that the law "taken as a whole is not unsatisfactory and it ought to be given a fair trial."<sup>201</sup> The Democrats were willing to admit that the Republicans had fulfilled their promise, but the law was referred to as "dishonest, impractical and indefensible", and as "an instance of political acrobatism that is without a parallel in history." It was charged that the party lash had been used to secure the passage of the law, and that additional influence had been brought to bear by the railroads and the brewers and distillers from the surrounding States. Furthermore, the complaint was made that the law permitted the sale of liquor within the State but not its manufacture, and that this would cripple Iowa business interests.<sup>202</sup>

The mulct law had not been in force long when an opportunity was afforded to test its constitutionality. In a case appealed to the Supreme Court of Iowa at the April term in 1895 the validity of the law was upheld. While it was virtually a local option measure it did not, as did the local option laws of 1857 and 1870, confer upon the people the power of legislation. The language of the court upon this point is as follows:

<sup>201</sup> *The Iowa State Register* (Weekly), Friday, March 30, 1894.

<sup>202</sup> *The Des Moines Weekly Leader*, Thursday, March 29, 1894.

## HISTORY OF LIQUOR LEGISLATION IN IOWA 601

It must be borne in mind that the act in question is a general law, applicable alike to all localities of the state coming within its terms. It does not depend upon a vote of the people to give it vitality. It went into effect upon its publication, and was a complete and valid enactment at that time. If it repeals the general prohibitory law in any particular, it does so only by implication, and the repeal is not made to depend upon the vote of the people. . . . Prohibition remains the general rule, and license, or a bar to the proceedings against violation of it, the exception.<sup>203</sup>

In his message of January 14, 1896, Governor Jackson presented some facts which throw light on the operation of the mulct law during the first year of its existence. He pointed out that during the last year under state-wide prohibition, or in other words during the year ending June 30, 1894, the United States government had issued 6,032 licenses to liquor dealers in Iowa; while during the year ending June 30, 1895, the first year of the mulct law, only 4,264 such licenses had been issued. This was a decrease of 1,768 in one year. Furthermore, in the fifty-one counties which, on July 1, 1895, had not adopted the mulct law, the number of licenses had decreased seventeen and one-half per cent; while in the forty-eight counties which had adopted the mulct law the decrease had been thirty-two per cent. During the first year the mulct tax had been assessed against 1,620 saloons, and the revenue from that source together with the added penalties assessed by municipalities was \$1,156,317. The effect of the law was most noticeable in Clinton, Scott, and Woodbury counties.<sup>204</sup>

### LIQUOR LEGISLATION SINCE 1894

Since 1894 the liquor laws enacted by the General Assembly of Iowa have been in the nature of modifications of

<sup>203</sup> State of Iowa *vs.* Forkner, 94 Iowa 1.

<sup>204</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VII, pp. 50, 51.



or amendments to the prohibitory and mullet laws, and it will not be necessary in this connection to make more than a mere mention of them. Several acts relating to intoxicating liquors were passed at each regular session of the legislature, except the session of 1898.<sup>205</sup> In 1900 a concurrent resolution was adopted requesting the Board of Regents of the State University and the trustees of the other State educational institutions to adopt and enforce rules against the use of intoxicating liquors.<sup>206</sup> The liquor laws as they exist in 1908 may be found in full in the *Code of 1897* and the *Supplement* of 1907.

In 1899, when the mullet law had been on the statute books five years, the Auditor of State sent a circular letter to the county auditors asking for information regarding the situation in each county respecting the operation of the liquor laws. From the replies received it was found that the mullet law was in operation in one or more cities, towns or townships in forty-eight counties; while in the remaining fifty-one counties the prohibitory law continued in force. In the counties where the mullet law was in operation there was a total of 1,530 saloons paying an average annual tax of \$864.45.<sup>207</sup>

Statistics prepared in 1907 by the Secretary of State show that on September 30, 1906, the mullet law was in operation in one or more cities, towns or townships in forty-three out of the ninety-nine counties in the State—a total of 242 towns and cities, and 51 townships. The total number of saloons in these counties was 1,770, and the average tax was \$865.85.<sup>208</sup> In the remaining fifty-six counties the prohibitory law was still in force. In seventy-six

<sup>205</sup> *Laws of Iowa*, 1896, pp. 33, 61; 1900, pp. 59, 60, 153; 1902, pp. 59, 60, 61; 1904, pp. 3, 91, 92; 1906, pp. 69, 70, 71; 1907, pp. 125, 126.

<sup>206</sup> *Laws of Iowa*, 1900, p. 164.

<sup>207</sup> *Report of Auditor of State*, 1899, pp. 194, 195.

<sup>208</sup> *Iowa Official Register*, 1907-8, pp. 573-578.

## HISTORY OF LIQUOR LEGISLATION IN IOWA 603

cities and towns no tax was levied in addition to the minimum required by law, while in one hundred and sixty-four cities and towns an additional tax was imposed. The total amount of revenue collected throughout the State under the provisions of the mullet law for the year ending September 30, 1906, was \$1,474,145.20. Furthermore, there were twenty-two breweries and distilleries in operation in the State.

### GENERAL SUMMARY

From this sketch of the history of liquor legislation in Iowa it appears that the Territorial period is characterized chiefly by the enactment of license laws and the scattered activities of local temperance societies. Since Iowa became a State in 1846 the events which stand out most clearly in liquor legislation are: the prohibitory law of 1855; the wine and beer clause of 1858; the Amendment of 1882; the prohibitory law of 1884, and the mullet law of 1894.

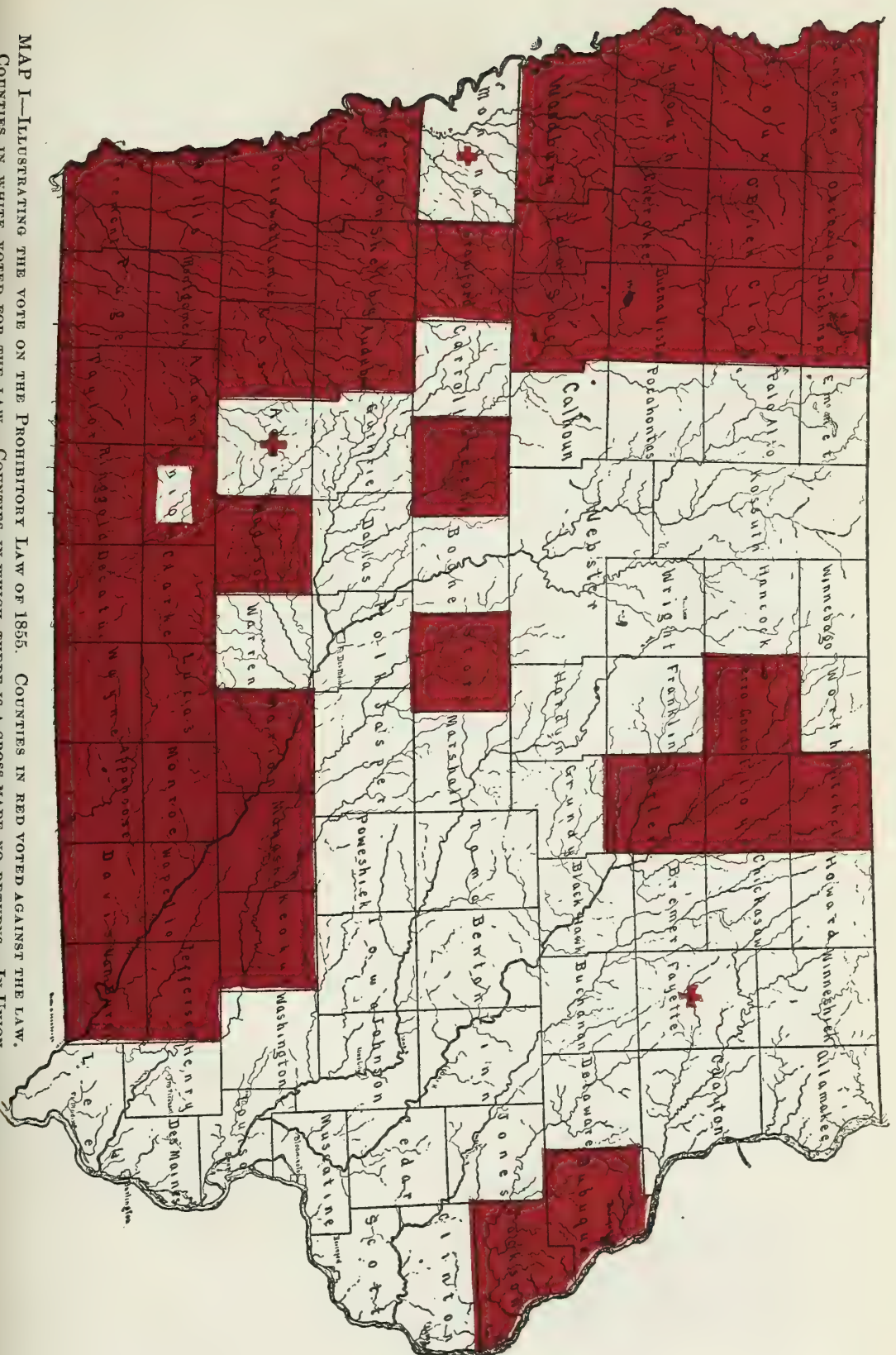
The liquor problem has been so interwoven with State politics that no campaign or election since 1865 can be fully understood without taking into account the influence of this much mooted question. Indeed, the history of the Republican party in Iowa for a number of years is chiefly the history of its attitude toward prohibition. The Democrats have consistently opposed prohibition throughout, and hence have missed much of the anxiety which their opponents have experienced in shaping their policies in regard to this question. The Prohibitionists as a political party have made but little showing, even at the times when their cause seemed in greatest danger.

Iowa has had many and varied experiences in its attempts to suppress the liquor traffic. License, local option, and absolute prohibition have been tried and discarded. Whether the present system is the best one that can be de-

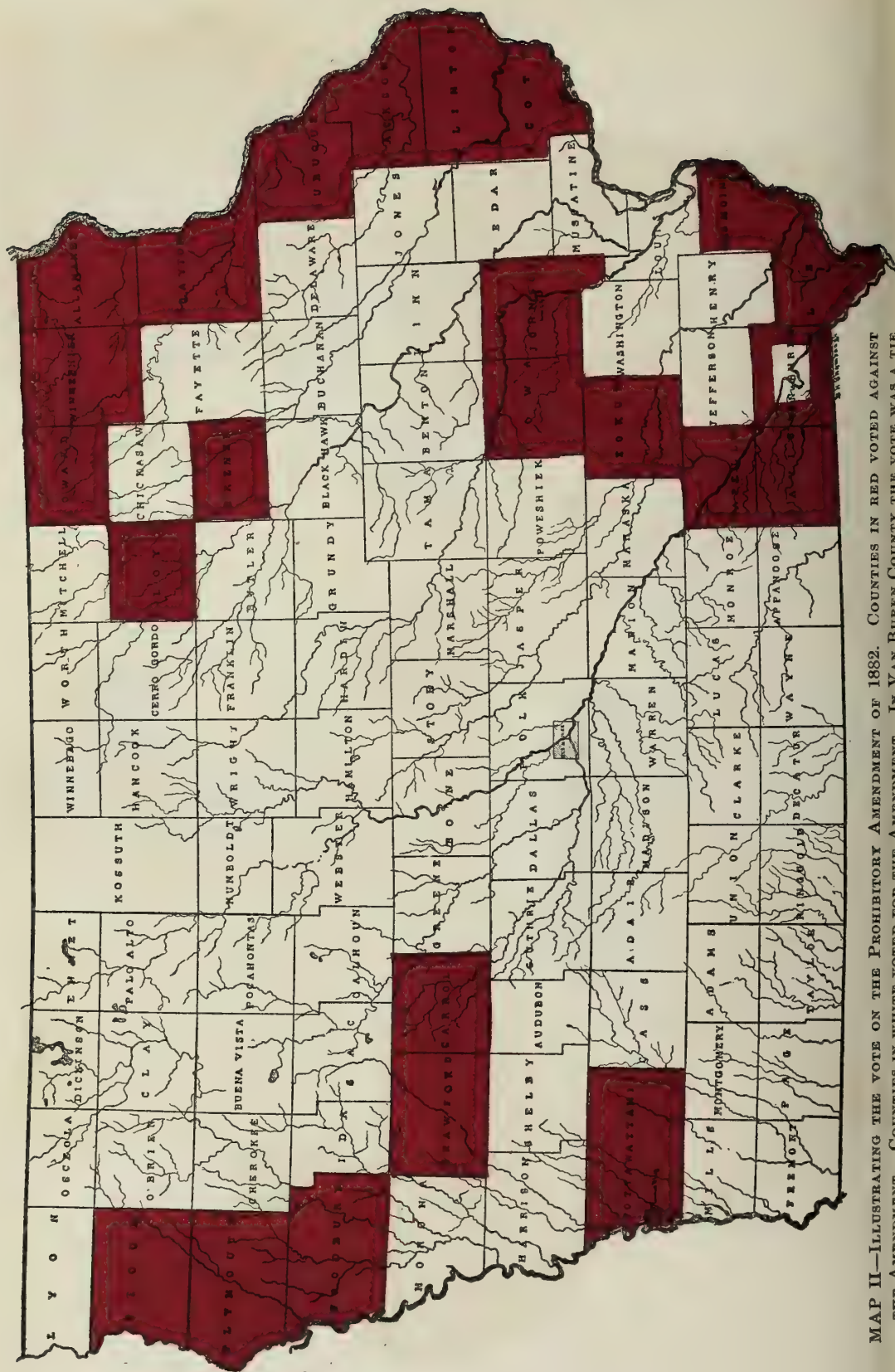
vised is not a question to be discussed in this connection since it is not the purpose of this paper to announce personal opinions and propose reforms. Much good has undoubtedly been done, and the history of liquor legislation in Iowa will furnish lessons for the guidance of other States.

DAN ELBERT CLARK

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY



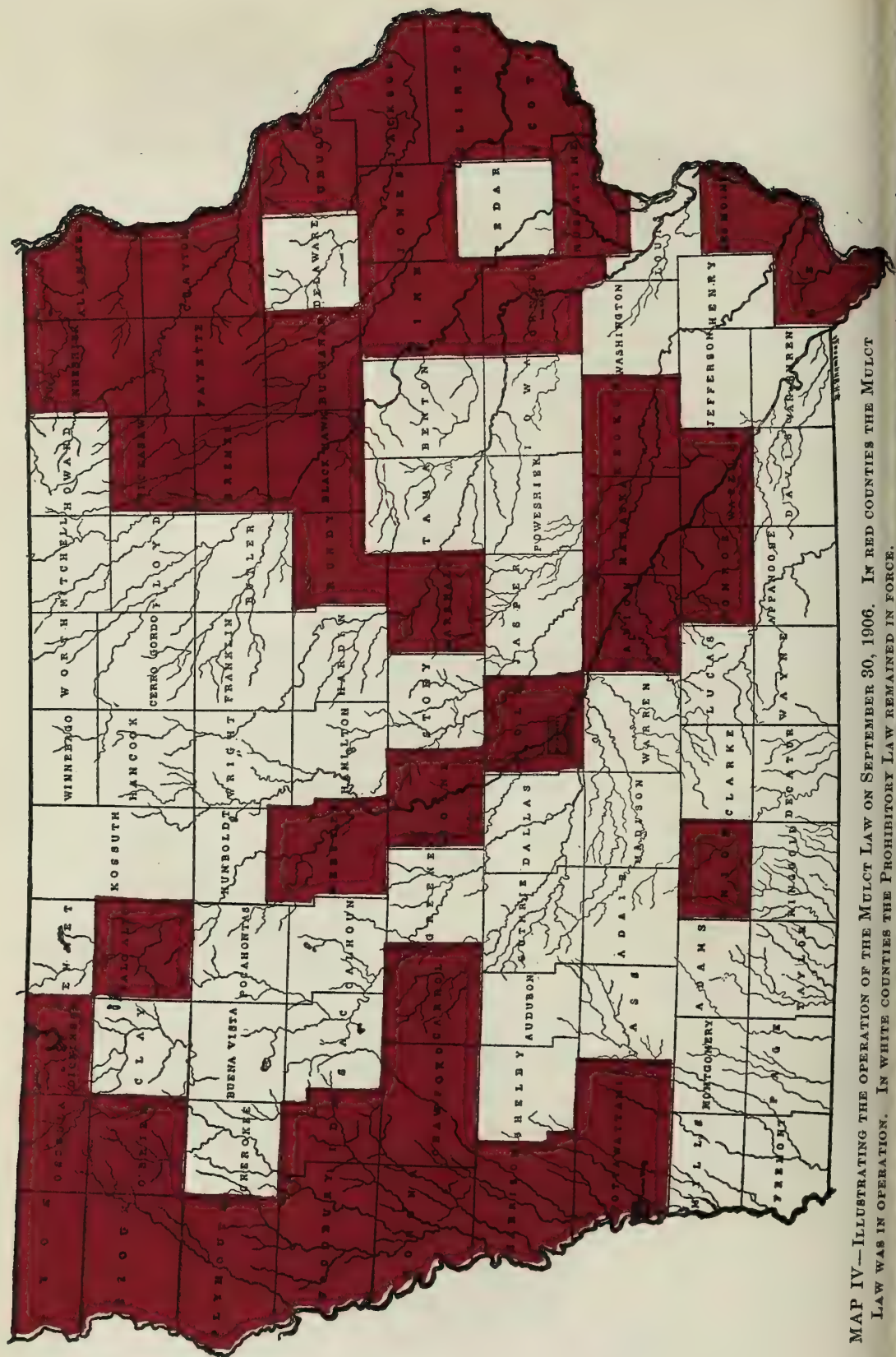




MAP II—ILLUSTRATING THE VOTE ON THE PROHIBITORY AMENDMENT OF 1882. COUNTIES IN RED VOTED AGAINST THE AMENDMENT. COUNTIES IN WHITE VOTED FOR THE AMENDMENT. IN VAN BUREN COUNTY THE VOTE WAS A TIE.







MAP IV-- ILLUSTRATING THE OPERATION OF THE MULCT LAW ON SEPTEMBER 30, 1906. IN RED COUNTIES THE MULCT LAW WAS IN OPERATION. IN WHITE COUNTIES THE PROHIBITORY LAW REMAINED IN FORCE.

## SOME PUBLICATIONS

### AMERICANA

#### GENERAL AND MISCELLANEOUS

The National Municipal League has recently published in pamphlet form an address by United States Attorney General Charles J. Bonaparte on *The Field of Labor of the National Municipal League*.

Volume twelve of *University of Toronto Studies* is devoted to a *Review of Historical Publications Relating to Canada*, in which all the publications for the year 1907 that deal entirely or in part with the history of Canada are noted or reviewed. The list is a surprisingly long one.

*Sanction of International Law* is the subject of an address delivered by Secretary Root before the second annual meeting of the American Society of International Law. The address has been published in pamphlet form by the American Branch Association for International Conciliation.

Under the title, *Women in Industry*, the National Consumers' League has had reprinted the decision of the Supreme Court of the United States upholding the constitutionality of the Oregon ten hour law for women, along with the brief of Louis D. Brandeis, counsel for the State of Oregon.

In the June number of the *Quarterly Publications of the American Statistical Association*, there is a discussion of the *Problems of Social Statistics and Social Research*, by Frederick L. Hoffman. Other papers are: *The Use and Misuse of Statistics in Social Work*, by Kate Holladay Claghorn; and *Strike Statistics*, by Ira Cross.

Contributions of a historical character in the July number of *The Scottish Historical Review* are: *The Order of the Golden*



*Fleece*, by Sir J. Balfour Paul; *M. Anatole France on Jeanne d'Arc*, by Andrew Lang; *The Abbey of Inchaffray*, by Sir Arch. Campbell Lawrie; and *The Bishops of Glasgow*, by Bishop J. Dowden.

The Carnegie Institution of Washington is described by Herbert T. Wade in the July number of *The American Review of Reviews*. A brief, illustrated article on *Quebec, Three Hundred Years After Champlain*, by Louis E. Van Norman, is of interest in view of the recent celebration of the three-hundredth anniversary of the founding of Quebec.

A two-volume biography of *John Watts de Peyster*, by Frank Allaben, was published during the summer as a number in the Allaben Biographical Series. John Watts de Peyster was a member of one of the prominent Dutch families of New York, who distinguished himself as a soldier and as an author. His writings are chiefly of a military or historical character.

Henry C. Adams contributes an interesting study of the *Administrative Supervision of Railways Under the Twentieth Section of the Act to Regulate Commerce*, in the May number of *The Quarterly Journal of Economics*. In the August number there are the following noteworthy articles: *Substitutes for Cash in the Panic of 1907*, by A. Piatt Andrew; *The National Gold Banks*, by G. D. Hancock.

Volumes ten, eleven, and twelve of the Library of Congress edition of the *Journals of the Continental Congress 1774-1789* which is being edited by Worthington C. Ford, have been issued in 1908. These three volumes contain the journals of the Congress for the year 1778, with an index. It is becoming very evident that this publication will assume much larger proportions than was originally contemplated.

A recent book by Professor Albert Bushnell Hart is called a *Manual of American History, Diplomacy, and Government*. While the work was designed especially as an aid to students in courses given by the author at Harvard University, it will prove a valuable guide to teachers and students of history everywhere. The

first part deals with methods and materials, while in the second part there are outlines of lecture courses in American history, American diplomacy, and American government, accompanied by a copious reference list for each lecture. The remainder of the volume is devoted to outlines of readings to be done by the students.

A discussion of *Marxism versus Socialism*, by Vladimir G. Simkhovitch, is begun in the June number of the *Political Science Quarterly*. Among the other contributions are a continuation of *The Early English Colonial Movement*, by George Louis Beer; an article on *The Separation of Church and State in France*, by Othon Guerlac; and a descriptive sketch of political and social life in *Turkey in Europe*, by W. M. Sloane.

*The American Journal of Sociology* for July contains the following items of interest: *The Meaning of Sociology*, by Albion W. Small; *A Study of the Early History of Child Labor in America*, by Edith Abbott; the tenth chapter of *Industrial Insurance*, by Charles Richmond Henderson, in which are discussed the pension systems of the Union and of the several States; and *A Suggestion on the Negro Problem*, by Charlotte Perkins Gilman.

A book published in August by The Macmillan Company is entitled *Documentary Source Book of American History 1606-1898* and is edited by William MacDonald. As is explained in the preface, it is the purpose of the volume to make available the documents most useful and necessary in an elementary and comprehensive course in American History. In other words, the editor has selected the most essential documents from his former volumes: *Select Charters*, *Select Documents*, and *Select Statutes*.

A recent number of the *Johns Hopkins University Studies in Historical and Political Science* is entitled *Neutral Rights and Obligations in the Anglo-Boer War* and is written by Robert Granville Campbell. The first chapter is devoted to the attitude assumed and maintained by the United States during the struggle. The neutrality of European powers is discussed in the second

chapter, while the two remaining chapters are concerned with the provisions regarding contraband of war and neutral commerce. Another recent monograph in this same series is, *The Elizabethan Parish in Its Ecclesiastical and Financial Aspects*, by Sedley Lynch Ware.

The tendency to emphasize the economic history of the United States has been especially noticeable only within recent years. Judging, however, from the rapidly increasing volume of the literature along this line, an active interest is being taken in all phases of economic history. A late number of the *Publications of the University of Pennsylvania* on *The Economic History of the Anthracite-Tidewater Canals*, by Chester Lloyd Jones, is an example of the tendency toward this line of study.

An optimistic and helpful view of social and moral tendencies is expressed by Lyman Abbott in *The Significance of the Present Moral Awakening in the Nation*, in *The South Atlantic Quarterly* for July. Articles of an historical character are: *An Englishman's Impressions of Alabama in 1846*, by Emma Langdon Roche; *Some Intellectual Aspects of the Thirteenth Century*, by William K. Boyd; and a continuation of *France in North Africa*, by George Matthew Dutcher. *The Oklahoma Constitution*, by J. H. Reynolds, is of interest at this time.

Among the most useful and valuable publications issued from the Government Printing Office at Washington are the reference lists prepared under the direction of Appleton P. C. Griffin, Chief Bibliographer of the Library of Congress. Two lists which have recently been issued are: *A List of Works Relating to the First and Second Banks of the United States*, and *Select List of Books with References to Periodicals Relating to Currency and Banking with Special Regard to Recent Conditions*. Both of these lists will be of great assistance to anyone studying the financial history of the United States.

At the annual meeting of the American Bar Association in 1907, a committee was appointed to formulate a code of professional ethics. Under the title, *Preliminary Report In re Canons of Pro-*

*Professional Ethics*, the code proposed by the committee is printed in detail and transmitted to the members of the Association. The code consists of a preamble, thirty-two canons of ethics, and a model form of an oath of admission to the bar. The relations of the lawyer to the court, to his professional brethren, and to his client, are dealt with in as much detail as is possible in a code of such a general character.

The *Federal Regulation of Industry* is the general field covered in the July number of *The Annals of the American Academy of Political and Social Science*. Following the policy established by the Academy, each phase of the subject is written by a man whose position or training is such as to make him the most suitable person for the work. The general divisions under which the subject is treated are: *Relation of the Government and the Public to Corporate Development*; *The Business Situation and Anti-Trust Legislation*; *The Government and the Railways*; and *The State and the Nation as Units of Control*. The supplement to this number is devoted to *Child Labor and Social Progress*.

The numerous articles in *The American Catholic Historical Researches* for July center about colonial and Revolutionary history, with special emphasis upon the relations with the Indians. Among the leading contributions one notes the following: *The Catholic Indians and the American Revolution*, which is devoted chiefly to the dealings of Washington and the Continental Congress with the Indians; *The Catholic Loyalist Highlanders of the Mohawk Valley*; and *Popery in Maryland*. In the October number there is an article on *Catholic Loyalists of the Revolution*, and a sketch of *Charles de Langlade, the Founder and Father of Wisconsin—A Loyalist: "A Military Conqueror."*

The greetings which were exchanged by Great Britain and the United States, through the Prince of Wales and Vice-President Fairbanks, on the occasion of the three hundredth anniversary of the City of Quebec, are printed in the third number of the second volume of *The Journal of American History*. Under the heading, *Rise of National Spirit in America*, Henry Baldwin discusses the



effect which the strife of political contests has had upon the spirit of nationality in this country. *Niagara—Master Key that Unlocked America to the English Race*, by Ernest C. Brown, is an attempt to prove that the nationality of the United States was decided at the old Fort Niagara. Among the other contributions are: *The Genesis of California*, the story of the first white man to cross the Colorado desert, by Zoeth S. Eldredge; and an account of the work of Manasseh Cutler, by William Elroy Curtis, under the heading, *Political Father of the Northwest*.

The *American Historical Magazine* for July contains a good variety of well selected material. Don Ensminger Mowry writes on *Political and Party Aspects of the National Judiciary 1801-1835*. There is a facsimile page of *The New York Weekly Journal* of November 12, 1733. A new portrait and a cartoon are given in the series entitled *A Pictorial Life of Lincoln*. It is unfortunate that in a series of portraits so interesting a legend is not given under each portrait to explain it. *Douglas, Lincoln and the Nebraska Bill*, by Albert Watkins, is the second chapter of this interesting serial which was begun in the May number. *The Tradition of Hvittramanna-Land*, by L. D. Scisco, is the beginning of the discussion of an old Norse tradition. There are continuations of *Book of Bruce*, by Lyman Horace Weeks; *Mormonism and Intoxicants*, by Theodore Schroeder; and *Origin and Antiquity of Heraldry*, by Henry Whittemore. In the September number there is an article on *The Origin of the Book of Mormon*, written by Brigham H. Roberts, in reply to a series of articles by Theodore Schroeder which appeared under the same heading in the *American Historical Magazine* in 1906 and 1907.

#### WESTERN

*A Popular History of North Dakota*, by Clement A. Lounsberry, is being run as a serial in the *North Dakota Magazine*, a publication for the most part devoted to the agricultural, industrial and commercial interests of North Dakota.

*The First Map of Kentucky* is the title of a recent publication of The Torch Press, of Cedar Rapids. The map, which was made

by John Filson and first published in Philadelphia in 1784, is accompanied by a bibliographical account by P. Lee Phillips.

*Individualism and Social Progress*, by W. H. P. Faunce; *A Business Life and its Ethics*, by A. C. Bartlett; and *San Francisco as a Foreign Shipping Port*, by Simon Litman, are prominent articles in the July number of *The University of California Chronicle*.

At the commencement exercises of the University of Kansas, June 10, 1908, the principal address was delivered by John Albert Johnson, Governor of Minnesota, upon the subject, *Land-Marks of American Liberty*. The address is printed in the June number of *The Graduate Magazine of the University of Kansas*, as is also the alumni address by Fred Schuyler Jackson, Attorney General of Kansas, which is given the heading, *An Alumnus and His Government*.

A description of the *Pictured Rocks: Indian Writings on the Rock Cliffs of Flathead Lake, Montana*, by Morton John Elrod, has been published by the University of Montana as one of its bulletins. Many plates are given which show plainly the location and character of this remarkable series of writings and drawings. In addition to numerous groups of straight lines and figures of which the meaning is not known, there are many pictures of animals, which may be clearly distinguished.

Among the articles in the July-August number of *The American Antiquarian and Oriental Journal* one notes the following western items: *Origin of the White Deer Dance*, by Mrs. R. F. Herriek; *Archaeological and Ethnological Collections in Wisconsin*, by the Custodian of the museum of the State Historical Society of Wisconsin; *Computation of Time Among the Toltecs and Aztecs*, compiled and translated by Ilamateuctli; *The Migrations of the Lenape*, by C. Staniland Wake; and *The Peopling of the World*, by Stephen D. Peet.

The *Transactions and Proceedings of The Geographical Society of the Pacific* for 1908 is devoted to a monograph by George Davidson, on *Francis Drake on the Northwest Coast of America in*

*the Year 1579.* The study is centered about the question of whether Drake entered the Bay of San Francisco in his ship the Golden Hinde as has generally been supposed that he did. The writer contends that Drake did not sail as far north as the Bay of San Francisco. A Spaniard known as Toyson de Oro is given the credit for being the first to enter the Bay, as late as the year 1775.

*The Religion of the Luiseno Indians of Southern California* is the title of a monograph by Constance Goddard Du Bois, published in June in the series of *University of California Publications in American Archaeology and Ethnology*. A detailed and scientific description is given of the ceremonies, myths and traditions of this interesting tribe of Indians, who seem to have developed a somewhat elaborate form of religion. Volume eight, number one, of the *Publications* is an abundantly illustrated monograph by A. L. Kroeber on the *Ethnography of the Cahuilla Indians*. The Cahuilla Indians are a tribe of Mission Indians living in southern California. Other recent monographs in this same series are: *Recent Investigations Bearing on the Question of the Occurrence of Neocene Man in the Auriferous Gravels of the Sierra Nevada*, by Wm. J. Sinclair, in which the writer comes to the conclusion that the evidence is not sufficient to establish the presence of remains of man in these gravels; and *A Mission Record of the California Indians*, taken from a manuscript in the Bancroft Library, and edited with introduction and notes by A. L. Kroeber.

#### IOWANA

In the July and August numbers of *Autumn Leaves*, Alvin Knisley continues his contribution of *Letters from the Past*. The numbers here printed tell of the assassination of Joseph and Hyrum Smith at Carthage, Illinois, and the events immediately following.

*The Proceedings of the Forty-First Annual Meeting of the Old Settlers Association of Johnson County, Iowa*, is a pamphlet of thirty-three pages distributed in August. The forty-second annual meeting of the Association was held at Iowa City on August 20, 1908.

The twenty-second annual convention of the Iowa Bankers' Association was held at Sioux City, June 11-12. The *Proceedings* of this meeting were printed in neat form and distributed early in September, an example to other associations which are not so prompt with the publication of their transactions.

Besides the reports of the President and Secretary, telling of the work of the Society for the past year, the *Annual Report of the Iowa Humane Society* for 1908 contains a collection of the humane laws of Iowa, and the *Articles of Incorporation of the Iowa Humane Society as Amended November 26, 1904*.

An address on *The Banker in Literature*, delivered before the Banker's Club of Des Moines by Johnson Brigham, State Librarian of Iowa, was published in the August number of *The Banker's Magazine*, a New York periodical. The address will be revised and extended to fit the requirements of an essay, and will appear later in book form.

A very interesting article on the *Early History of the First Unitarian Society of Keokuk*, by Avis Gordon Vestal, appeared in the September number of *Old and New*. The Keokuk church was founded in 1853, being the first church of that denomination established in Iowa. Other articles on various Unitarian churches in this State have appeared in recent numbers of the same periodical.

Besides continuations the July number of the *Journal of History*, published at Lamoni, Iowa, by the Reorganized Church of Jesus Christ of Latter Day Saints, contains an *Autobiography of Elder Charles Derry*; an oration on *Alexander Hamilton, the Foreigner*, delivered by Heman Hale Smith at The State University of Iowa in 1907; and a biographical sketch of Charles Aldrich which is reprinted from the Des Moines *Register and Leader*.

*The Iowa Alumnus* for June contains much of general interest. A biographical sketch of *Professor Stephen Norris Fellows, D. D.*, by Amos N. Currier, is the opening contribution. Extracts are given from the address on *Chinese Students in America*, delivered



by Minister Wu Ting-Fang at the commencement of The State University of Iowa in June. Under the title, *Thirty Years in the University*, are presented a number of tributes to Professor Thomas Huston Macbride, who has been for so many years the head of the Botany Department of The State University.

*A History of the Iowa State Medical Society and Its Connection with the Iowa State University*, by A. A. Noyes of Mason City, is one of the contributions to the *Iowa Medical Journal* for July. The evolution of the Medical College of The State University of Iowa is traced in all its stages, from the time of the incorporation of the Madison (Wisconsin) Medical College with a branch at Rock Island, Illinois, down to the present time. A few facts are given concerning the organization and early history of the Iowa State Medical Society, partly for the purpose of correcting certain misstatements made in a previous number of the *Iowa Medical Journal*. Mr. Noyes' long career in this State enables him to give first-hand information.

#### SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Ball, James Moores,

*Modern Ophthalmology: Anatomy, Physiology, and Diseases of the Eye.* [Second edition] Philadelphia: F. A. Davis Co. 1908.

Baughman, Mrs. Nancy Randolph Ball,

*True Way of Life.* Burlington: Published by the author. 1908.

Brown, Leonard,

*Our Own Columbia That Is to Be.* Des Moines: E. T. Meredith Company. 1908.

Chapple, Joseph Mitchell,

*Happy Habit.* Boston: Chapple Publishing Co. 1908.

Cody, William F.,

*True Tales of the Plains.* New York: Empire Book Co. 1908.

Colgrove, Chauncey P.,

*The Making of a Teacher.* Cedar Falls: Published by the author. 1908.

- Conard, H. Shoemaker,  
*Struggle and Life-History of the Hay-scented Ferns.* Washington: Carnegie Institution of Washington. 1908.
- Davison, Arthur H., and Swan, Almer U.,  
*Statistical Abstract of Iowa Railroads.* Des Moines: State Printer. 1908.
- Dillon, John M.,  
*Motor Days in England.* New York: G. P. Putnam's Sons. 1908.
- Emerson, Willis G.,  
*The Smoky God; or a Voyage to the Inner World.* Chicago: Forbes & Co. 1908.
- Evarmann, Barton Warren,  
*Fishes of Alaska.* Washington: Government Printing Office. 1908.
- Flom, George Tobias,  
*A History of Scandinavian Studies in American Universities, together with a Bibliography.* Iowa City: The State University of Iowa. 1908.
- Garden, Robert I.,  
*History of Scott Township, Mahaska Co., Iowa.* Oskaloosa: Schockley Bros. & Cook. 1908.
- Goodyear, S. H., and Lloyd E.,  
*Modern Inductive Bookkeeping.* Cedar Rapids: Goodyear-Marshall Publishing Co. 1908.
- Graham, Thomas W.,  
*Universal Foot Ball and Hand Ball.* Dubuque: Published by the author. 1908.
- Greenwood, William,  
*Auxilium: A Helpful Summary of Latin Essentials.* Des Moines: Published by the author. 1908.  
*Horace, the Greatest of Lyric Poets.* Des Moines: Published by the author. 1908.
- Mahood, J. W.,  
*Make Jesus King, and Other Messages to Men.* New York: Eaton & Mains. 1908.

620 IOWA JOURNAL OF HISTORY AND POLITICS

Parish, John Carl,

*Autobiography of John Chambers.* Iowa City: The State Historical Society of Iowa. 1908.

Parrish, Randall,

*The Last Voyage of the Donna Isabel.* Chicago: A. C. McClurg & Co. 1908.

Potter, Franklin Hazen,

*Elementary Latin Course.* Boston: Benjamin H. Sanborn & Co. 1908.

Robinson, Leonard B.,

*Reference Work on Justice Practice.* Chicago: Callaghan & Co. 1908.

Sanxay, Theodore F.,

*The Sanxay Family.* New York: Published for private use. 1907.

Seashore, Carl Emil,

*Elementary Experiments in Psychology.* New York: Henry Holt & Co. 1908.

Toof, M. D.,

*Assessor's Manual for Iowa.* Red Oak: Published by the author. 1908.

Wassam, Clarence W.,

*Salary Loan Business in New York City.* New York: Published by the author. 1908.

Williams, Lewis Milton,

*Jacob the Heel-grasper.* Oskaloosa: Published by the author. 1908.

SOME RECENT HISTORICAL ITEMS IN NEWSPAPERS

*The Register and Leader*

The Story of Pioneer Methodism in Des Moines, by E. H. Waring, June 21, 1908.

Sketch of Life of Mrs. Nancy Harsh, June 21, 1908.

The Passing of an Iowa College, June 21, 1908.

Sketch of Life of James Dickerson, a pioneer of Cerro Gordo County, June 26, 1908.

- Sixtieth Wedding Anniversary of Judge and Mrs. P. M. Casady,  
June 27, 1908.
- The Underground Railroad in Iowa, June 28, 1908.
- Historic Old 'Coon River Bridge, June 28, 1908.
- Sixtieth Wedding Anniversary of Judge and Mrs. Thomas T. Morris,  
June 30, 1908.
- Sketch of Life of Milton T. Russell, a Des Moines pioneer, July  
3, 1908.
- A Famous Old Peace Pipe and Its Story, July 5, 1908.
- When Ft. Dodge was "Cowtown", July 5, 1908.
- John Brown's "Fourth" at Davenport, July 5, 1908.
- Sketch of Life of William Merritt, by L. F. Andrews, July 5, 1908.
- Sketch of Life of Thomas George, a pioneer of Des Moines, July  
8, 1908.
- When Kern Was a Lad in Iowa, July 16, 1908.
- The Story of Iowa's Second Territorial Governor, July 19, 1908.
- Sketch of Life of F. A. Gniffke—Fifty-two Years Editor of One  
Iowa Newspaper, July 26, 1908.
- Story of the Stormy Career of B. F. Wright, August 2, 1908.
- Sketch of Life of John J. Williams, a pioneer miller of Des Moines,  
by L. F. Andrews, August 2, 1908.
- Life and Services of Senator Allison, August 5, 1908.
- Remarkable History of Iowa's Territorial Delegate and First U. S.  
Senator, August 9, 1908.
- List of oil portraits in Historical Department, August 9, 1908
- Sketch of Life of Alexander Scott, by L. F. Andrews, August 23,  
1908.
- A New Story of Old Amana, by Bertha M. H. Shambaugh, August  
30, September 6, and September 13, 1908.
- Sketch of Life of William L. Carpenter, by L. F. Andrews, August  
30, 1908.
- Sketch of Life of Phineas M. Casady, September 1, 1908.
- Sketch of Life of Frank R. Laird, by L. F. Andrews, September 6,  
1908.
- Iowa's Valuable Collection of Letters in Historical Department,  
September 6, 1908.



## 622 IOWA JOURNAL OF HISTORY AND POLITICS

The First Senatorial Election in Iowa, September 9, 1908.

Sketch of Life of B. F. Wright, September 14, 1908.

Sketch of Life of Jesse Cheek, by L. F. Andrews, September 13, 1908.

### *The Burlington Hawk-Eye*

Twenty Years Ago, (In each Sunday issue.)

Sketch of Life of George H. Williams, a pioneer lawyer of Burlington, June 17, 1908.

Sketch of Life of Daniel M. New, a pioneer, June 18, 1908.

History of Baptist College building in Burlington, June 18, 1908.

Forty Years Service. What Dr. William Salter gave to the Burlington Library, June 23, 1908.

History of Burlington University, June 28, 1908.

Genealogical sketches of the Swan families of Des Moines County, June 28, 1908.

Historic Landmarks in Lee County, June 28, 1908.

The Iowa Democratic "Traditional" Liquor Policy, July 3, 1908.

Sketch of Life of William Boyd Allison, August 5, 1908.

River Work in 1851 — Letter from Robert E. Lee to Augustus C. Dodge, August 5, 1908.

Origin of Iowa Counties, August 9, 1908.

Account of Lincoln's Speech in Burlington in 1858, August 9, 1908.

Brief Sketch of First Iowa Infantry, August 11, 1908.

Account of Home-Coming Celebration at Keosauqua, August 13, 1908.

Incidents in Life of Augustus Caesar Dodge, August 16, 1908.

Sketch of Life of George C. Duffield, August 23, and September 5, 1908.

An Old Tax Receipt, August 23, 1908.

### *The Dubuque Telegraph-Herald*

Sketch of Life of F. A. Gniffke, pioneer Dubuque editor, July 26, 1908.

Sketch of History of Prohibition in Iowa, July 26, 1908.

Sketches of Life of William Boyd Allison, August 5, 1908.

Poem entitled "1833-Dubuque-1908", by Laurence McCarty, August 11, 1908.

Recollections of Dubuque by Former Citizens, August 23, 1908.

Romantic Sketch of Dubuque's Tomb, by Henry G. Langworthy, August 23, 1908.

The Medical Men of the Early Days, by Henry G. Langworthy, August 23, 1908.

List of Early Settlers of Dubuque, August 23, 1908.

The Life and Adventures of Julien Dubuque, August 23, 1908.

Accounts of Dubuque Home-Coming week, August 23-28, 1908.

Sketch of Life of William Hintrager, September 6, 1908.

Article on Ancestry of Julien Dubuque, September 6, 1908.

*The Sioux City Journal*

Twenty Years Ago. (In each Sunday issue.)

Sketch of Life of William Boyd Allison, August 5, 1908.

Reminiscences of Senator Allison, by Albert Chapline, August 16, 1908.

Account of Old Settlers' meeting at Sergeant Bluffs, August 21, 1908.

Sketch of St. Elmo Hotel, opened Forty Years Ago, August 23, 1908.

Account of meeting of Old Settlers of Union County, August 26, 1908.

Pioneers Recall Old Days: account of meeting at Danville, August 27, 1908.

*The Cedar Rapids Republican*

Sketch of Life of George Saum, a pioneer of Jones County, August 2, 1908.

Sketch of Life of Senator Allison, August 5, 1908.

Origin of Iowa Counties, August 9, 1908.

Sixtieth Anniversary of Founding of Hedrick, August 23, 1908.

## HISTORICAL SOCIETIES

### PUBLICATIONS

In *The Medford Historical Register* for July, Jennie Peiree Brigham contributes a sketch of *Mystic Hall Seminary*, an institution of learning established at Medford in 1855. There is a second installment of *Ye Olde Meting-House of Meadford*, by Moses W. Mann; and a brief article on *Earliest Mystic River Ship-Building*, by John H. Hooper.

In *The Quarterly of the Oregon Historical Society* for June the leading contributions are: "*Doctor*" Robert Newell: *Pioneer*, by T. C. Elliot; a second chapter of John Minto's *From Youth to Age as an American*; and *Contests Over the Capital of Oregon*, by Walter C. Winslow. Under the heading of *Notes and News* there is an appreciation of *The Patriotic Achievement of Ezra Meeker*.

Articles of more than local interest which appear in the September number of the *Register of Kentucky State Historical Society* are: *A Kentucky Ideal of a Century Ago*, *Transylvania University*, by Z. F. Smith; and *Kentucky-Tennessee Boundary Line*, by J. Stoddard Johnston. There is also a continuation of the *History of Franklin County*, by L. F. Johnson, with a supplement by Mrs. Jennie C. Morton.

Bulletin number two of the Montana State Historical and Miscellaneous Library contains a brief history of The Historical Society of Montana, together with a description of its work and resources, and a number of comprehensive *Reading Lists on History of Montana and Contiguous Regions of the Northwest*. These lists are unusually well classified and give evidence of care and thoroughness in their preparation.

*The Provincial Council and Committees of Safety in North Carolina*, by Bessie Lewis Whitaker, forms the eighth number of the publication of the North Carolina Historical Society known as

the *James Sprunt Historical Monograph*. The unique form of government which existed in North Carolina from September 9, 1775, to November 12, 1776, is treated somewhat in detail, both as to its origin and as to its growth and workings.

The *Proceedings of the Worcester Society of Antiquity* for 1907. was recently distributed. Among the papers read before the Society during the year are: *A Few Notes in the History of Invention and Patents*, by Charles H. Burleigh; *A Trip Through the West Indies Islands and the Northern Coast of South America*, by Henry M. Wheeler; and *Personal Recollections of Hon. Daniel H. Chamberlain, Ex-Governor of South Carolina*, by James Green.

The publication of the *Letters from the Marquis de Lafayette to Hon. Henry Laurens* is continued in the July number of *The South Carolina Historical and Genealogical Magazine*. Besides other continuations there is an article by William Maine Hutson on *The Hutson Family of South Carolina*; while Henry A. M. Smith contributes another of his sketches of historic South Carolina towns, under the title, *Beaufort — The Original Plan and the Earliest Settlers*.

*Theophilus Eaton: First Governor of the Colony of New Haven*, by Simeon E. Baldwin, is the opening paper in volume seven of *Papers of the New Haven Colony Historical Society*. Other papers of general interest are: *The Founding of Yale College*, by Charles Henry Smith, in which the beginnings and early history of the college are treated in some detail; *Why New Haven is not a State of the Union*, by Ernest H. Baldwin; and *Student Life at Yale in the Early Days of Connecticut Hall*, by Franklin Bowditch Dexter.

In August there was distributed number five of the *Annals of Jackson County, Iowa*, published by the Jackson County Historical Society. Among the many interesting articles are the following: *Life on the Plains*, by James W. Ellis; *Claim Society Incident of Early Days*, by James W. Ellis; *Camp McClellan and the Redskins*, by Levi Wagoner; *Reminiscences of Col. P. W. Crawford*, and *Black Hawk was not Captured in Jones Co.*, by Harvey Reid.



The Jackson County Historical Society is fortunate in having among its members so many who are interested in writing up incidents in local history.

A continuation of the *Journal of Stephen Watts Kearny*, edited by Valentine Mott Porter, is the opening contribution in the April number of the *Missouri Historical Society Collections*. The present installment deals with an exploration of the St. Peter's (now Minnesota) River in the year 1820. Other contributions in this issue of the collections are: *A Sketch of the Life and Work of Friedrich Muench*, by Julius Thamer Muench; *The Beginnings of Spanish Missouri*, being translations from Spanish archives; and *Recollections of An Old Actor*, by Charles A. Krone.

Among the articles in the June number of *The Indiana Quarterly Magazine of History* the following are of general interest: *Indiana Archives and History*, by Harlow Lindley; *The Northwest Corner of Indiana in 1834*, which is a letter written in 1835 to an Indiana newspaper by Solon Robinson, a pioneer of Lake County, Indiana; and *Judge Charles B. Lasselle's Notes on Alice of Old Vincennes*, in which an attempt is made to identify some of the characters in Maurice Thompson's novel. Mr. Christopher B. Coleman has succeeded Mr. George S. Cottman as editor of the *Magazine*.

*The Derbys of Salem, Mass.: A Study of 18th Century Commerce Carried on by a Family of Typical New England Merchants*, by Robert E. Peabody; *Biographical Sketches of Members of the Burrill Family of Lynn, Who Were Prominent During the Colonial and Provincial Periods, and Some of their Descendants*, by Ellen Mudge Burrill; *Marblehead Vital Records. 1647-1849*, by Joseph W. Chapman; and a continuation of *English Notes About Early Settlers in New England*, by Lothrop Withington, comprise the number of *The Essex Institute Historical Collections* published in July.

Besides continuations, the two contributions to the July number of *The Virginia Magazine of History and Biography* are: *Virginia Gleanings in England*, by Lothrop Withington, and *Miscel-*

*laneous Colonial Documents*. The *Magazine* is performing invaluable service by the publication of original material, but it is to be regretted that the continuations are published in such small installments. The student is put to considerable inconvenience in their use on account of the large number of issues of the *Magazine* through which much of this material is continued.

An excellent illustration of what is possible in the way of scholarly and scientific biography is to be found in the life of *Francis Daniel Pastorius, the Founder of Germantown*, by Marion Dexter Learned, which is being published in the *German American Annals*. Not only are there copious notes, but there is a liberal use of original material and plates which illustrate the writings of Pastorius. In addition to this biography there is, in the May-June number of the *Annals*, a descriptive sketch of *The German American Historical Society and the German American Annals*, by Albert Bernheim.

The April-June number of *The Wisconsin Archeologist* consists of a monograph on *The Archaeology of the Lake Koshkonong Region*, by A. B. Stout and H. L. Skavlem. The monograph embodies the results of a complete surface survey of all the mounds and village sites within the area indicated. A large number of maps, charts and photographs are used to illustrate the descriptions of the various groups of mounds. The Lake Koshkonong region seems to abound in a large number of effigy mounds which are supposed to have been erected as totemic emblems by a tribe of Winnebago Indians which inhabited the region in prehistoric days.

A description of the McKinley monument in Westlawn Cemetery, Canton, Ohio, is given in the *Ohio Archaeological and Historical Quarterly* for July, together with the speeches of President Roosevelt and Governor Andrew L. Harris on the occasion of the dedication of the mausoleum in September, 1907. Under the title, *The Morgan Raid in Ohio*, R. W. McFarland corrects certain errors in an article with the same heading which appeared in the January number of the *Quarterly*. B. F. Prince discusses briefly *General Mason and his Letter on Railroads*. An address on *The Westernization of New England*, delivered by Albert Bushnell

Hart at Marietta, Ohio, in October, 1906; a history of *Talmadge Township*, by E. O. Randall; and a biographical sketch of *John Sherman*, by George U. Harn, are other noteworthy contributions to this issue of the *Quarterly*.

The German-American Historical Society of Illinois is performing a valuable service in the publication of their quarterly known as the *Deutsch-Amerikanische Geschichtsblätter*. In the July number are to be found many articles of interest to the historically inclined citizen of the Mississippi Valley. William A. Meese discusses *Abraham Lincoln und Wasserwege*. There is a biographical sketch of *Rudolph Reichmann: Ein Pioneer der deutschen Presse in Iowa*, and a continuation of Heinrich Bornmann's *Geschichte der Deutschen Quincy's*. Under the title, *Im Jahre 1842 von St. Louis nach Detroit*, is told a tale of a journey up the Mississippi and across Illinois and Indiana in the early days.

Among the articles in the *Maryland Historical Magazine* for June we note the following: *Maryland Privateers in the American Revolution*, by Bernard C. Steiner, giving some facts concerning the Maryland vessels which received letters of marque from Congress during the Revolution; *Letter of Governor Ogle to Charles Lord Baltimore*, taken from the Calvert papers; *Two Maryland Heroines*, by William H. Love; *The Case of the Good Intent*, a reprint from a pamphlet on the case of a ship which had violated an agreement of the non-importation Association; *The Privateer Lawrence*, consisting of a number of extracts from the journal of the vessel; and *Maryland Gleanings in England*, by Lothrop Withington.

A sketch of the life of *Lieutenant David Nelson*, by Harriet McIntyre Foster, is a copiously illustrated article which forms the leading contribution to *The "Old Northwest" Genealogical Quarterly* for April. There is also a continuation of *Selections from the Papers of Governor Allen Trimble. 1823-1830*. In the July number, in addition to a further continuation of the papers just mentioned, we note the *Records of Classes of the Methodist Episcopal Churches*, by Leon W. Harrington, and *John Armstrong of*

*Kittanning and His Sons*, by James Evelyn Pilcher. John Armstrong, the elder, distinguished himself in the Indian wars of colonial days and as an officer in the American army during the Revolution.

*Thomas Cooke of Guilford, Conn., and His Descendants*, by Bernard C. Steiner, is a brief genealogical sketch of one of the original signers of the plantation covenant of Guilford, contained in *The New England Historical and Genealogical Register* for July. Other items of interest are: *Colonial Records of Marlborough, Mass.*, by Franklin R. Rice; *Emigrants from England*, communicated by the Committee on English Research; *List of Loyalists from Georgia Who Settled in Jamaica*, by Arthur Wentworth Hamilton Eaton; and *Proceedings of the New England Historic Genealogical Society*, by the Secretary, George A. Gordon. The Society holds monthly meetings at which, in addition to the transaction of business, addresses are given.

In the April number of *The Quarterly of the Texas State Historical Association*, D. F. Houston tells briefly, but in a pointed manner, of *The Texas State Historical Association and Its Work*. The Association has just entered upon the twelfth year of its existence, and has a membership of over two thousand. Mr. Houston points out that the great aim of the Association should be to promote the means and protect the freedom of historical research, a line of work which has received but little encouragement in the South. *The Native Tribes About the East Texas Missions*, by Herbert E. Bolton, and *Presidential Reconstruction in Texas*, by Charles W. Ramsdell, are valuable contributions in the same number of the *Quarterly*.

*Traditions of the Earliest Visits of Foreigners to North America* is the title of the most recent publication of The Filson Club. Reuben T. Durrett, President of the Club, is the author. The book centers about the so-called "Madoc Tradition", which is to the effect that Madoc, a Welsh prince, came to this country in the twelfth century and planted a colony of his countrymen; a tradition which seems to have had many believers among the pioneers



of Kentucky. As one of the many stories of pre-Columbian discovery and settlement of America the tradition has its place, and it is treated in a scholarly manner by the author. Numerous steel engravings of scenes in Wales are scattered throughout the book which is a superb specimen of the book-maker's art.

Volume twenty-eight of the series known as the *Archives of Maryland* which is being published by the Maryland Historical Society contains the *Proceedings of the Council of Maryland 1732-1753*. During these years the struggle between the English and the French for the possession of America was an ever present topic of interest. The discussion of the Pennsylvania boundary question continued to occupy the attention of the Council for several years. In 1740 Maryland participated in the so-called "War of Jenkin's ear" against Spain, and in 1751 there was a change in the proprietorship of the colony. The whole period is full of interest, and the part played by Maryland is perhaps best revealed in these records of the transactions of the colonial legislature.

The July number of the *Missouri Historical Review* opens with a biographical sketch of *Rev. Jesse Walker, the Apostle of the Wilderness*, by Joel Spencer. Jesse Walker was one of the earliest preachers among the settlers west of the Alleghanies, his first charge being in Tennessee and Kentucky in 1802. Beginning with 1806 the remainder of his career was spent principally in Illinois and Missouri. He is spoken of as being to the church what Daniel Boone was to the early settlers. A series of letters collected by Eva Emery Dye are printed under the heading, *Sergeant John Ordway*. Ordway was a member of the Lewis and Clark expedition, and later settled in Missouri. *The Archives at Jefferson City* are described by Jonas Viles; William F. Switzler relates some *Missouri Old Settlers' Day Tales*; and F. A. Sampson contributes *A Bibliography of Missouri State Official Publications from 1906 to 1907*.

The *Reminiscences of John H. Charles*, edited with introduction and notes by Frank Harmon Garver, is the opening number in the *Annals of Iowa* for July. These reminiscences of a pioneer of Sioux City were first printed in 1906 in the *Proceedings of the*

*Sioux City Academy of Science and Letters.* Under the heading, *Old Letters*, William Salter contributes a number of letters from the correspondence of men prominent in early Iowa. There is another installment of *Iowa and the First Nomination of Abraham Lincoln*, by F. I. Herriott, in which the survey of political events in Iowa is carried down to the year 1858, and special attention is given to the Lincoln-Douglas debates as regards their effect in Iowa. In the editorial columns we notice a brief account of the *Boone Mound Exploration*. A detailed report of the work will be prepared in the near future by Mr. T. Van Hyning who had charge of the excavation.

The initial number of a new historical publication known as *Publications of The Florida Historical Society* made its appearance in April. It is a magazine of about fifty pages and is to be published quarterly. In addition to a brief sketch of the history, purpose and plans of the Society, and the annual report of the president, the initial number contains several contributions, the most extended of which are: *Indian Massacre in Gadsden County*, by A. L. Woodward; and *The Selection of Tallahassee as the Capital*, which consists largely of reports of committees and journals of commissioners. In the July number the last named contribution is continued and completed, and in addition there is begun a biographical sketch of *Richard Keith Call*, by Caroline Mays Brevard; *The First Message of Gov. William P. Duval*, which was delivered to the Legislative Council of Florida in 1824, is printed in full; and F. P. Fleming tells *The Story of Juan Ortiz and Uleleh*.

Under the somewhat vague title, *The Evolution of a Lament*, C. T. Johnson discusses the famous journey of the four Flathead Indians to St. Louis in search of the Bible, in *The Washington Historical Quarterly* for April. The various accounts of the journey are given, with extracts from original sources in each case, and the writer comes to the conclusion that "good and benevolent men, and some even with a reputation as historians, have imagined things". There is begun in this same number of the *Quarterly* a serial on *Stephen A. Douglas: A Study of the Attempt to Settle*

*the Question of Slavery in the Territories by the Application of Popular Sovereignty — 1850-1860*, by Edward McMahon. J. N. Bowman tells of *The State Archives at Olympia*, and points out the necessity for better provisions for the preservation of the valuable archive material of the State. The series of *Documents* of the Hudson Bay Company, which were collected by Eva Emery Dye, is completed by the installment in this issue.

Circular number three of the Arkansas History Commission consists of an address on *A Comprehensive Historical Policy for Arkansas*, delivered at a joint meeting of the Arkansas Press Association and the Arkansas Historical Association, at Little Rock in May, by J. H. Reynolds, Secretary of the Historical Association. Mr. Reynolds points out the great need in the South for an awakening to the value of historical material. There is much complaint, he says, that historians have dealt unjustly with the South, and yet in but few of the Southern states has any organized effort been made to preserve the manuscripts, documents, and State papers from which alone a scientific and impartial history of the South could be written. In addition to an appeal for awakened interest, Mr. Reynolds outlines a plan for the coördination of historical work in Arkansas which if carried out will do much to retrieve the neglect of past years. The plan embraces several elaborate series of publications, covering both primary and secondary material, to be conducted by the Arkansas Historical Association, and a permanent history commission with a salaried secretary which should have charge of the archives, the museum, the marking of historic sites, and various other historical activities.

A second paper on *The Origin of the English Constitution*, by George Burton Adams, appears in the July number of *The American Historical Review*. The paper carries the discussion through the Provisions of Oxford of 1258, to about the year 1310. One of the points made by Mr. Adams is that too much importance has been placed upon the dropping of clauses from Magna Carta in the reissues. The principles underlying these clauses were not newly established by their embodiment in Magna Carta, but had previously existed in feudal law, and "the omission of these clauses

made no difference either in the law as it stood, or in the fact that the king was bound to obey it in the particulars which they stated." *The Russian Expansion Towards Asia and the Arctic in the Middle Ages (to 1500)*, by C. Raymond Beazley, is a brief account of the conquest and settlement of the two Siberias by the Russians. The expansion of the Russian Empire from a comparatively small strip of territory to its present gigantic dimensions is a noteworthy feature of European history which has received but little attention. The writer places much emphasis upon the geographical and mercantile factors in this expansion. *The Politics Behind Braddock's Expedition*, by Thad W. Riker, treats chiefly of the difficulty between the Duke of Newcastle and the Cumberland faction in England. Victor Coffin writes *A Preliminary Study of the Administrative Polity of Napoleon I*, in which he discusses the principles and practices of Napoleon's administration. *Some Problems of Southern Economic History*, by Alfred Holt Stone, is a paper read at the Madison meeting of the American Historical Association in December, 1907. The *Papers of Zebulon M. Pike, 1806-1807*, gathered by Herbert E. Bolton among the archives in the City of Mexico, are documents of interest and value to the student of Mississippi Valley history. The papers here printed were taken from Pike by the Spaniards after his arrest while exploring the Missouri and Arkansas rivers in 1807.

#### ACTIVITIES

The Oklahoma Historical Society is at present occupying temporary quarters, but expects to return to its old home in the Carnegie library building in January or as soon as additions under construction are completed. The library and the museum collection of the Society have had a creditable growth during the summer.

A valuable collection of Americana gathered by Orsamus H. Marshall, of Buffalo, New York, and subsequently owned by his son, the late Charles D. Marshall, has been deposited with the Buffalo Historical Society. It is especially rich in books and maps relating to the French in America to 1761; particularly those works



bearing on the St. Lawrence valley, western New York and the Great Lakes. Among many rarities in the collection are original issues of twenty-five of the Jesuit Relations. Volume twelve of the *Publications* of the Society, which consists largely of papers dealing especially with the history of the Erie canal, is now in press.

Under the auspices of the Webster County (Iowa) Historical Society, the third annual Pioneers Day of Webster County was observed at Fort Dodge on August 19. The principal address was delivered by President Albert B. Storms of Iowa State College. The attractive manner in which the preliminary announcement was printed is to be commended.

Among the papers and documents in the custody of the Madrid (Iowa) Historical Society is an old poll book of what was then Pleasant township in Boone County. It is the record of the votes cast in that township on August 3, 1857, on the question of striking the word "white" from the new Constitution which was submitted to the vote of the people on the same day.

An oil portrait of Theodore O'Hara, a Kentucky poet, has recently been received by the Kentucky State Historical Society from the artist, William Besser, and will ultimately find its place in the hall of fame in the new capitol building along with the other portraits painted for the Society. A number of additional portraits of Kentucky governors have been assigned to different artists and it is expected that work on them will progress rapidly.

The museum department of the State Historical Society of Wisconsin has been developing rapidly of late, especially on the archaeological and ethnological side. Dr. Reuben Gold Thwaites and Mr. Charles E. Brown, chief of the museum department, are engaged in visiting the several Indian reservations of the State, with a view to reporting on their condition, as well as for the purpose of gathering material for the museum. A series of educational bulletins has lately been introduced in the museum, and these bulletins will be loaned to public libraries throughout the State. Dr. Thwaites has recently interviewed Jonathan H. Evans,

a pioneer of the lead region in southwestern Wisconsin, and it is promised that his reminiscences, when published, will be of much interest. A considerable addition has lately been made to the collection of Fox River manuscripts in the possession of the Society. Plans are on foot for the celebration of the sixtieth anniversary of the Society which will be held at Madison early in next year.

The State Historical Society of North Dakota has been carrying on an examination of the Indian village sites along the Missouri River in that State for evidences of occupation by the Mandans, Cheyennes, Grosventres and Arikara. The field work during the past summer has been under the direction of Mr. A. B. Stout, of Madison, and the results of the investigations are embodied in the second volume of the *Collections* of the Society recently issued from the press. In the way of historical research the Society is directing a study of immigration to North Dakota, showing the location of the various foreign groups; a sketch of the Constitutional Convention of 1889, and a history of Protestant missionaries in Dakota. A plan for the organization of a North Dakota History Teachers' Association has been outlined by the Society, with a view to establishing high school and common school museums, and promoting the use by teachers of Indian mythological stories and narratives of early pioneers and missionaries published by the Society. The museum and library of the Society in the State Capitol have grown rapidly and are being visited and used by many people interested in State history.

The Ohio State Archaeological and Historical Society is performing a variety of functions and is doing much to promote the historical interests of that State. At present it is having translated from the German a manuscript by David Zeisberger, which is an account of the Ohio Indians that has never been published. The unprinted portion of Washington's diary of his trip down the Ohio River in 1770 is also being prepared for publication. Furthermore, the Society will publish the proceedings of the Ohio Valley Historical Conference, held at Cincinnati in November, 1907. Turning to the field of archaeology, the Society has just completed new discoveries at Fort Ancient in Warren County,

Ohio, and has directed the opening of several hitherto unexplored mounds in Ross County. Many interesting and valuable finds were made in these mounds, especially in the line of copper ornaments. In addition to the regular appropriations, the last session of the Ohio legislature gave the Society five hundred dollars to erect an observatory tower at Serpent Mound, and a sufficient amount of money to purchase the portion of Fort Ancient not owned by the Society heretofore. Another activity of the Society is a commemorative celebration at the grave of David Zeisberger near Sharon Church in Tuscarawas County, Ohio.

#### THE STATE HISTORICAL SOCIETY OF IOWA

Mr. Dan E. Clark will succeed Dr. John C. Parish as Assistant Editor of the Society.

The volume on *Augustus Caesar Dodge* prepared by Mr. Louis Pelzer will be distributed in November.

At the July meeting of the Board of Curators Miss Ethyl E. Martin was elected to the position of Clerk to the Superintendent.

Mr. Henry J. Peterson, author of *The Regulation by Law of Elections in the Territory of Iowa*, and a member of the Society, is Principal of the High School at Diamondville, Wyoming.

At the exercises commemorative of the one hundredth anniversary of the landing of the United States troops at Fort Madison an address on *Local History* was delivered by the Superintendent of the Society.

A collection of photographs of North American Indians by Edward S. Curtis will be on exhibition in the rooms of the Society during the month of October. These photographs were used in connection with Mr. Curtis's book on *The North American Indians*.

A volume on the *History of Railway Taxation in Iowa* has been prepared by Professor John E. Brindley of The Iowa State College of Agriculture and Mechanic Arts for publication by The State Historical Society of Iowa. Professor Brindley is at work on another volume which will deal with other phases of the history of taxation in this State.

Material is being collected for the eighth volume of the *Messages and Proclamations of the Governors of Iowa*. This volume will contain the Messages and Proclamations of Governor Cummins and will probably be issued in 1909. Following the eighth volume an index covering the entire series will be issued.

In *The Charleston* (Illinois) *Daily Courier* of September 18, 1908, Mr. S. E. Thomas, sometime Custodian of The State Historical Society of Iowa, gives an account of the Lincoln-Douglas debate which occurred at Charleston fifty years ago. On September 18, the semi-centennial celebration of that debate was held

The following persons have recently been elected to membership: Mr. Louis Koch, Middle Amana, Iowa; Col. William G. Dows, Cedar Rapids, Iowa; Miss Agnes Heightshoe, Perry, Iowa; Mr. A. Bruce Alderman, Marion, Iowa; Judge Gifford S. Robinson, Des Moines, Iowa; Judge James W. Bollinger, Davenport, Iowa; Hon. Charles E. Pickett, Waterloo, Iowa; Mr. B. F. Swisher, Waterloo, Iowa; Mr. D. D. Murphy, Elkader, Iowa; Professor John E. Brindley, Ames, Iowa; Professor F. H. Garver, Sioux City, Iowa; Dr. T. L. Hazard, Iowa City, Iowa; Senator F. N. Smith, Yarmouth, Iowa; Judge C. W. Vermilion, Centerville, Iowa; Judge Hiram K. Evans, Corydon, Iowa; and Miss Ethyl E. Martin, Iowa City, Iowa.

At a recent meeting of the Board of Curators, Mr. Jacob Van der Zee was elected to the position of Research Assistant in the Society. Mr. Van der Zee was born at St. Anna Parochie, Friesland, Holland, in 1884. He came with his parents to Iowa in 1892. After graduating from the Sioux Center public schools in 1899 he attended the Northwestern Classical Academy at Orange City for two years, graduating in 1901. Entering The State University of Iowa in 1901, he took a degree in the College of Liberal Arts in 1905. In October, 1905, he entered Merton College, Oxford, England. Before going to England as Rhodes Scholar, Mr. Van der Zee was connected with The State Historical Society of Iowa where he was engaged in research work. In 1904 he won the Colonial Dames Prize for the best essay in Iowa History. Mr. Van der Zee entered upon his work as Research Assistant, September 21, 1908.



## NOTES AND COMMENT

The Iowa State Bar Association held its fourteenth annual meeting at Waterloo, July 9-10.

The League of Iowa Municipalities held its eleventh annual convention at Ottumwa, September 16-18.

It is expected that Frederick H. Dyer's *Compendium of the War of the Rebellion*, which is now in press, will appear some time in December.

A four-volume history of the State of Washington, edited by Clinton A. Snowden, is in preparation, and will be published by The Century History Company, of New York.

The thirty-sixth annual meeting of the Oregon Pioneers Association was held at Portland, on June 11. Membership in this association is limited to persons who lived in Oregon previous to 1860.

During the week of October 4-10, the city of Philadelphia celebrated the two hundred and twenty-fifth anniversary of its founding. Much emphasis was placed upon an exhibit illustrative of the industrial history of the city.

At Fort Madison a book entitled *Pioneer Records* has been kept by the old settlers since 1871. It contains biographical data concerning the old settlers of the community, and is a valuable contribution to local history.

George West Wilson, First Vice-President and former Secretary of the Florida Historical Society, died June 2, 1908. During his life-time he held many positions of honor and trust in his State, and it was largely due to his efforts that the Florida Historical Society was organized in 1902.

On Friday, August 28, the *Iowa City Republican* issued a special edition which contains much historical material relative to Iowa

City and its churches, institutions, and business enterprises. In the same paper for September 21, 1908, there is reprinted from the *Vinton Eagle* an interesting sketch of the history of senatorial elections in Iowa.

On June 8, 1906, there was approved by President Roosevelt An Act for the Preservation of American Antiquities. In pursuance of this act the President has issued a proclamation establishing as national monuments the prehistoric ruins at Chaco Canyon, New Mexico; the Gila Cliff Dwellings in New Mexico; Montezuma Castle in Arizona; and the ruins of cliff dwellings at Tonto, Arizona.

One hundred and seven oil portraits of noted Iowa men and women are now in the possession of the Historical Department of Iowa, as is shown by a recently published pamphlet. The paintings in the autograph section and the reading room in the Historical Building are briefly described in a recent folder. These paintings were brought from Germany about 1874 by General Ed Wright, and were formerly a part of the mural decoration of the Supreme Court room in the Capitol building.

At Alton, Illinois, on October 15, there was held the last of the celebrations commemorative of the semi-centennial of the Lincoln-Douglas debates which have been in progress at intervals throughout August, September and October. There was a celebration in each of the seven Illinois towns in which the debates were held, and much interest was manifested, especially by those who have personal recollections of the debates as they occurred and the effect they produced on the country at large fifty years ago.

The annual meeting of the Old Settler's Association of Boone, Greene, Guthrie and Dallas counties was held near Dawson, Dallas County, Iowa, on August 19 and 20. The following were elected as officers for the ensuing two years: President, B. F. Osborn, of Rippey; Vice-President, John Tolle, of Dawson; Secretary, Adrian Cross, of Perry; Treasurer, Fred Knell, of Perry; Director from Boone County, R. G. White, of Angus; Director from Greene County, D. R. Rittgers, of Rippey; Director from Guthrie County,

George W. Heater, of Jamaica; Director from Dallas County, G. W. McKean, of Perry; Director at Large, J. F. Naylor, of Dawson.

There is now in press a most praiseworthy contribution to local history, bearing the title, *Pioneers of Polk County*, by L. F. Andrews, of Des Moines. The work, which will be in two volumes, is being published by Lowell Chamberlain, a friend of the author, and is being printed on the finest linen rag paper from type made expressly for this edition, which will be limited to three hundred and fifty sets. The binding will be in three styles and it is expected that the cost of publication will be about six thousand dollars. There will be a large number of biographical and historical sketches and over a hundred duo-photogravure portraits.

Students of history will find in *The Magazine Subject-Index*, volume one of which has recently been published by The Boston Book Company, a work of much value. This index, which is compiled by Frederick Winthrop Faxon, covers a field that is of necessity neglected by both the *Annual Library Index* and the *Reader's Guide* to periodical literature. It is a subject index of seventy-nine American and English periodicals, forty-four of which are indexed from their first issues to December 31, 1907, while the remaining thirty-five are indexed for 1907. Practically all of the publications of the various state historical societies throughout the country are included in the index, thus opening up to historical students a great mass of material hitherto virtually unavailable.

Beginning on September 26 and ending on October 1, the people of Fort Madison, Iowa, celebrated the one hundredth anniversary of the founding of their city. On September 26, 1808, Lieutenant Alpha Kingsley, with a company of United States troops, landed at that point and soon afterwards began the erection of a stockade fort which was completed the following spring and named Fort Madison. A substantial stone monument now marks the site of the fort which was destroyed in 1813. In connection with the plans for this first centennial celebration ever held in Iowa, there was some dispute as to the exact date when the old fort was erected, and as to the person under whose direction it was built. An in-

vestigation was made by Mr. J. P. Cruikshank, of Fort Madison, and the results were published in *The Daily Gem City* of August 6. It is conclusively shown that the erection of the fort was begun late in 1808 by Alpha Kingsley, instead of in 1805 by Zebulon M. Pike as some writers have stated.

The Iowa Society of the Sons of the American Revolution at its annual meeting in April, 1907, decided to offer a bronze medal to be awarded to the student in each college in the State maintaining a department of history, who during the year made the best record in the study of United States history. Each college was allowed to prescribe for itself the rules under which the award should be made. During the last school year students in twelve Iowa colleges were the recipients of medals thus awarded. The prize is again offered for the present year, and it is hoped that the competition will be introduced in all the colleges of Iowa.

One of the greatest and most elaborate events of its kind ever attempted on this continent was the celebration of the tercentenary of the founding of Quebec, which began July 20 and continued with various exercises throughout August. Especially notable for their splendor were the festivities of the first few days. The whole city was in gala attire, thousands of French and British soldiers and a fleet of warships of Great Britain, France and America passed in review before the Prince of Wales, and there were great dinners, speeches, and commemorative exercises at the tombs of Wolfe, Montcalm and Montgomery. On the historic Plains of Abraham there was performed a gorgeous pageant depicting the progress of Quebec from the days of Champlain, representing in one group all the well-known characters who at different times played their parts in the great drama. The British government was represented at the celebration by the Prince of Wales, the United States by Vice-President Fairbanks, and France had her official representative. A most admirable and gratifying spirit of friendliness between the participating nations was exhibited throughout. The whole celebration finds its greatest significance in pointing out the rise of a distinct national type — the



Canadian, inheriting alike the civilization and traditions of England and France, but breathing the spirit of western enterprise and vigor, and tinged especially in recent years with an admixture of his brethren from the United States.

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### CONTRIBUTOR

DAN ELBERT CLARK, Assistant Editor in The State Historical Society of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1908, p. 159.)

AN INDEX  
TO THE  
IOWA JOURNAL OF HISTORY AND POLITICS  
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## INDEX

NOTE—The names of contributors of articles and writers of book-reviews in The Iowa Journal of History and Politics are printed in SMALL CAPITALS. The titles of books, articles, and papers referred to are printed in *italics*.

- Abbot, Henry L., article by, 301  
 Abbott, Edith, article by, 611  
 Abbott, Lyman, article by, 612  
 Abbott, L. C., 326  
 Abbott, Mrs. A. C., paper by, 487  
*Aberdeen, The Market Cross of*, 297  
 Abernethy, Alonzo, *A History of Iowa Baptist Schools*, by DAN ELBERT CLARK, 107; book by, 129, 474; *Dedication of Monuments Erected by State of Iowa*, by JOHN CARL PARISH, 458  
 Abolition sentiment, evidence of, in Johnson county, 46, 47  
 Abolitionists, 181  
*Aborigines, American*, 138  
*Academy of Political and Social Science, American, Annals of the*, articles in, 117, 301, 466, 613  
 Academy of Science and Letters of Sioux City, meetings of, 486  
*Accomack County, Virginia, Records of*, 315  
*Acta Sanctorum, The American*, 322  
*Actor, Recollections of an Old*, 485, 626  
 Adair County, 416; establishment of, 417; boundaries of, 418; facts concerning, 435; effect of prohibitory law in, 561  
 Adams, Austin, 530  
 Adams, Ephraim, sketch of life of, 131, 132; and the Iowa Band, 156; tributes to, 307  
 Adams, George Burton, article by, 138, 322, 632; chosen President of American Historical Association, 140  
 Adams, Henry C., article by, 610  
 Adams, John Quincy, 64  
 Adams, Oscar Fay, article by, 478  
 Adams County, 416; establishment of, 417; boundaries of, 418; facts concerning, 435; effect of prohibitory law in, 561  
 Addams, Jane, discussion by, 463  
 Adler, Cyrus, address by, 317  
 Administration, study in, 309  
 Admiralty Law, 298  
 Adsit, Ruth, book by, 474  
 Agassiz Centenary, celebration of, 314  
 Agricultural Bank for the Philippines, 118  
 Aitchison, Clyde B., article by, 319  
*Alabama, Englishman's Impressions of*, 612  
*Aladdin and Co.*, 130  
*Alaska Purchase and Americo-Canadian Relations*, 467  
 Albert, Henry, 329  
 Albertson, N., president of meeting, 215  
 Alderman, A. Bruce, 637  
 Aldrich, Charles, sketch of life of, 131, 132, 311, 312, 617; reference to, 157, 158; account of funeral of, 311; appointment of successor to, 331; obituary notice of, 333, 334; letter to, 484; work on mound planned by, 490  
 Alexander, Mr., 273  
 Alexander, Rowland, 274  
 Allaben, Frank, biography by, 610  
 Allamakee County, establishment of, 411; boundaries of, 411; facts concerning, 435; effect of prohibitory law in, 561  
 Alliance, State Temperance, resolution of, favoring prohibitory amendment, 504, 509; efficiency of, 505; birthplace of, 512; investigations by, as to enforcement of prohibition, 548, 549; protests of, against separate party, 550; discussion of temperance situation at meeting of, 559; statistics prepared by secretary of, 571; attempt of, to revive Amendment question, 583, 584; division and decline of, 590, 591  
 Allison, William Boyd, first fight of, for Senate, 311; sketch of life of, 311, 312, 621, 622, 623; remarkable career of, 477; nominated for Senator, 496  
 Allison, William M., 188  
 Althouse, Calvin O., article by, 301  
 Alton (Illinois), celebration at, 498, 639  
*Alumnus, The Iowa*, articles in, 617  
 Alvord, Clarence W., paper by, 141; reference to, 145, 492; article by, 481; address by, 491



## 646 IOWA JOURNAL OF HISTORY AND POLITICS

- Amana, address on, 491; a new story of, 621
- Amana, The Community of True Inspiration*, publication of, 329; reference to, 475; distribution of, 494
- Amendment, prohibitory constitutional, campaign for, inaugurated, 503; early endorsements of, 504; organizations supporting, 505; political parties and, in 1879, 505; endorsement of, by Republicans, 506; reasons for Republican support of, 507; in legislature of 1880, 508; memorials and petitions for submission of, 509; introduction and first passage of joint resolution proposing, 510; text of, 510; interest taken in debate on, 511; campaign for, during 1880 and 1881, 512; preparations for contest of, 512; efforts of Woman's Christian Temperance Union in campaign for, 513; notice of, in party platforms of 1881, 514, 515; plans for fighting, 514, 520; effect of, upon campaign of 1881, 515; support of, by Governor Sherman, 516; in legislature of 1882, 516; opposition to, in Senate, 516, 517; relation of, to exportation of liquor, 517, 518; opposition to, in House of Representatives, 518; passage of joint resolution agreeing to, 518; act concerning submission of, 518, 519; last months of campaign for, 519; discussion of temperance question preceding vote on, 520; lines of division on question of, 521; excitement preceding election on, 521; arguments for and against, 522-524; the election on, and its results, 524; strange demonstrations accompanying election on, 525; vote on, 525; reasons for adoption of, 526; attitude of foreignborn population toward, 526, 527; effect of, 527; date of going into effect of, 528; early reception of, 529; declared invalid, 529; case to test validity of, 529-533; constitutional questions concerning, 530; legislative history of, 530, 531; grounds for invalidity of, 531, 532; arguments of counsel in support of validity of, 532; dissenting opinion as to validity of, 532, 533; agitation for special session of legislature to resubmit, 534; constitutional questions at rehearing of case of, 535; principle of, embodied in legislation, 540; desire for prohibition expressed in vote on, 555; attempt to revive question of validity of, 584; reference to, 603
- Amendment Association, Iowa State Prohibitory, organization of, 513; Prohibitory Constitutional, formation of, in seventh district, 514
- America, Passenger Lists to*, 478
- America, Struggle for Control of*, 121
- American Capitalist, Observations of Early*, 121
- American Continent, Across the*, 121
- American Historical Magazine*, articles in, 119, 120, 300, 469, 614
- American Historical Review, The*, articles in, 138, 322, 632
- American History, The Journal of*, articles in, 299, 613
- American Jewish Historical Society, Publications of*, 317
- American Liberty, Land-Marks of*, 615
- American party, persecution of, 218-220
- American Revolution, Catholic Indians and*, 613
- Americana, general and miscellaneous, 116, 297, 461, 609; western, 124, 304, 467, 614
- Amerland, J., 486
- Ames Intelligencer, articles in*, 129
- Amunclae a Serpentibus Deletae*, 138
- Anderson, Thomas M., article by, 319
- Andrews, A. Piatt, article by, 462, 610
- Andrews, Charles M., monograph by, 464; work of, in archives, 465; reference to, 466
- Andrews, L. F., articles by, 131, 132, 310, 311, 475, 621, 622; sketch of life of, 311; book by, 640
- Andrews, Timothy, sketch of life of, 476
- Anglo-Boer War, Neutral Rights in*, 611
- Annals of Iowa*, articles in, 128, 320, 484, 630, 631
- Annapolis, The Restoration of the Old Senate Chamber in*, 318
- Anthracite-Tidewater Canals, Economic History of*, 612
- Anthropological Papers of the American Museum of Natural History*, contents of, 467
- Anthropologist, American*, contents of, 465
- Antiquarian and Oriental Journal, The American*, articles in, 305, 467, 615
- Antiquities, American, act for preservation of, 639
- Antiquities of the Upper Gila and Salt River Valleys*, 463
- Anti-Saloon Republicans, conference of, 582
- Appanoose County, establishment of, 397; facts concerning, 436; effect of prohibitory law in, 561
- Aram, Captain, Reminiscences of*, 121

- Archaeology and Ethnology, American, University of California Studies in*, contents of, 125, 306, 616
- Archives at Jefferson City*, 630
- Archives at Olympia, The State*, 632
- Archives in Washington, Guide to*, 465, 466
- Archives of Maryland*, 630
- Archives of the Libraries of the World, American Treasures in*, 299
- Arkansas, A Comprehensive Historical Policy for*, 632
- Arkansas Historical Association, investigation by, 324; annual meeting of, 486
- Arkansas History Commission, circular of, 632
- Armstrong, John, of Kittanning*, 628
- Arney, Mrs. C. P., 487
- Arney, Mrs. P. F., 326
- Arnold, G. P., 325, 488; paper by, 488
- Asakawa, K., article by, 482
- Assessor's Manual for Iowa*, 620
- Asylum: - A Colony of French Catholics*, 319
- Athenian Lekythoi*, 309
- Atkinson, Roger, Letters of*, 478
- Atlantic Voyage in Seventeenth Century*, 318
- Attorney General, salary of, 24; office of, created, 203
- Audubon County, 416; establishment of, 418; boundaries of, 419; territory lost by, 423; facts concerning, 436; effect of prohibitory law in, 561
- Austin's, General, Order Book*, 133
- Autobiography of John Chambers, The*, by JOHN C. PARISH, 247
- Autumn Leaves*, articles in, 472, 616
- Auxilium*, 619
- Avery, Elroy M., book by, 299
- Ayer, John F., paper by, 142
- Aztecs, Computation of Time among*, 615
- Babitt, A. W., conference between Pickett and, 183
- Badger, Senator, 208
- Bailey, Anne*, 482
- Bailey, G. S., 237
- Bailey, William B., article by, 298
- Baily, William H., 333
- Baker, Edward Dickinson*, 484
- Baker, James, candidate for Attorney General, 224; speech by, 229
- Baldwin, Ernest H., paper by, 625
- Baldwin, Henry, article by, 613
- Baldwin, Laura P., 152
- Baldwin, Simeon E., address by, 313; paper by, 625
- Ball, James Moores, book by, 618
- Ballard, D. E., address by, 140
- Baltimore, Excerpts from Letters in the Archives of*, 479
- Bancroft County, establishment of, 418; blotting out of, 419, 421, 427; attempt to restore, 419; small area of, 421; unconstitutionality of, 422; reference to, 432; facts concerning, 438
- Bank, United States, party division upon question of, 31; attitude of Iowa Democrats toward, 39, 42, 52
- Banker in Literature, The*, 617
- Banker's Magazine, The*, article in, 617
- Bankers, pioneer, of Des Moines, 131
- Banks, discussion of question of, in Constitutional Convention, 36, 47, 48; desire for amendment to Constitution permitting establishment of, 201; discussion of question of, 238, 239; opposition to section in Constitution concerning, 242
- Banks and Banking, reference lists on, 612
- Baptist College building at Burlington, history of, 622
- Baptist Schools, Iowa, A History of*, by Alonzo Abernethy, by DAN ELBERT CLARK, 107; reference to, 129
- Bar Association, American, committee appointed by, 612
- Bar Association, Iowa State, meeting of, 638
- Barnburners, 181
- Barnett, James D., article by, 464
- Barnett, John Morrison, paper by, 458
- Barnwell, John, letters of, 481
- Barrett, S. A., monograph by, 306
- Barry, Commodore John, Story of*, 461
- Barstow, J. M., 148
- Bartlett, A. C., article by, 615
- Barton, G. S., speech by, 498
- Bates, Curtis, member of Democratic Territorial central committee, 26; nomination of, as delegate to Constitutional Convention, 46; candidate for Governor, 69, 204; attitude of Prohibitionists toward, 70; reference to, 191; defeat of, 210
- Battin, William, incidents in career of, 310; paper by, 487
- Baughman, Mrs. Nancy Randolph Ball, book by, 618
- Bayliss, Clara Kern, article by, 467, 470
- Beard, J. F., book by, 308
- Beaufort (South Carolina), article on, 625
- Beazley, C. Raymond, article by, 139, 633
- Beck, J. M., 508; dissenting opinion by, 530, 532, 533, 535

## 648 IOWA JOURNAL OF HISTORY AND POLITICS

- Bedford, Mass., Some Records of*, 315  
 Bedford's Famous Recluse, article on, 475  
 Bedford Springs (Maryland), Ignatius Taylor at, 264  
 Beecher, Henry Ward, 227  
 Beede, Charles Gould, book by, 474  
 Beer, George Louis, article by, 463, 611  
 Bek, William G., bibliography by, 135  
 Belknap County, attempt to establish, 432, 433; reference to, 434; facts concerning, 439  
 Bell, W. S., 144  
 Bellevue, negro Ralph taken to, 91  
 Belmont (Wisconsin), claims of, for capital of Territory of Wisconsin, 6; meeting of legislature at, 383  
 Belt, Mrs., 276  
 Beman, Ewing, article by, 469  
 Benton, Thomas H., 18, 52, 226; praise for, 26; recommended for President, 186  
*Benton, Thomas H., Correspondence of Dodge and*, 321  
*Benton, Thomas H., Retirement of, from Senate*, 136  
 Benton, Thomas H., Jr., mention of, for senatorship, 170; candidate for superintendent, 174, 195; vote for, 175; election of, as Superintendent, 175, 176; reference to, 342  
 Benton County, formation of, 387; size of, 388; jurisdiction of, 389; reference to, 392, 416; boundaries of, 398, 399, 430; facts concerning, 436, 439; effect of prohibitory law in, 561  
 Berkeley Hall, 315  
 Bernheim, Albert, article by, 627  
*Beth Norvell*, 130  
 Bills, John C., counsel in Amendment case, 530  
 Binder, H. W., 148  
*Biographical Series, Iowa*, books in, 494, 495  
 Birney, James G., speeches of, 187  
 Bishop, Joseph Torrey, article by, 464  
 Black, George Nelson, sketch of life of, 480; death of, 496  
 Black Hawk, article regarding capture of, 625  
 Black Hawk County, establishment of, 398; boundaries of, 401, 402, 434, 435; facts concerning, 436; effect of prohibitory law in, 561  
 Black Hawk Purchase, settlement of, 89; reference to, 301, 382, 387, 410; inhabitants of, 380  
 Black Hawk War, treaty following, 379  
 Black Ribbon Clubs, formation of, 373  
 Blacks and Mulattoes, Act to regulate, 91  
 Blair, Thomas, 392  
 Blairstown's famous men, tales of, 477  
 Blake, W. E., attempt to dynamite residence of, 543  
 Blind pig, saloon replaced by, 556; explanation of, 558  
 Blind tiger, saloon replaced by, 556  
 Bloomington (Iowa), Territorial Convention at, 14  
 Blue Ribbon Jubilee, 372, 373  
 Blue Ribbon Movement, beginning of, 370, 371; character and success of, 371-373; scheme to disrupt, 372, 373  
 Blue Ribbon Reform Clubs, extent of, 505  
 Blue Ribbon State Convention, resolution of, 504  
 Bodley, Colonel, message to John Chambers carried by, 268  
 Bogess, Arthur Clinton, book by, 481  
 Boies, Horace, first election of, 574; attitude of, toward prohibition, 576, 577; reference to, 578, 581; significance of election of, 582; criticism against, 583; second election of, 587; defeat of, 594; local option recommended by, 597  
 Bolick, Caleb, sketch of life of, 476  
 Bollinger, James W., 637  
 Bolton, Frederick E., 333  
 Bolton, Herbert E., work of, in Mexico, 153, 155, 466; article by, 629; papers gathered by, 633  
 Bonaparte, Charles J., address by, 609  
*Bonds as Investment Securities*, 117  
 Bonney, Josiah H., candidate for office, 177; election of, 178; reference to, 191  
*Book of Mormon, The Origin of the*, 614  
 Book reviews, 103, 287, 457  
 Boomer, Albert, 366  
*Bookkeeping, Modern Inductive*, 619  
 Boone, Daniel, Iowa's, 131  
 Boone, excavation of mound near, 489, 490; increase in number of saloons at, 548  
*Boone, Visit to Mound West of*, 307  
 Boone County, third party in, 351; establishment of, 404; boundaries of, 404; reference to, 434; facts concerning, 436; effect of prohibitory law in, 561  
*Boone County's First Theft*, 307  
*Boone Mound Exploration*, 631  
 Bootlegger, saloon replaced by, 556  
 Bootlegging, recommendation concerning, 551  
*Border, Documents Illustrating Troubles on*, 136  
 Bordwell, Percy, article by, 116  
 Bornmann, Heinrich, article by, 480, 628



- Bostonian Society, Proceedings of the*, contents of, 462
- Boundaries, dispute over, 39, 40
- Bourbon County (Kentucky), 284
- Bowie, Mrs. (Hannah Lee), marriage of, to Joseph Sprigg, 276
- Bowman, J. N., article by, 632
- Boy Life on the Prairie*, 130
- Boyd, William K., article by, 612
- Boyd, W. R., 307
- Boyer River, 413, 414, 415
- Brace, Frederic R., article by, 482
- Braddock's Expedition, The Politics Behind*, 633
- Bradley, Marie Merriman, article by, 484
- Bradley, P. B., delegate to Convention, 196
- Brandeis, Louis D., brief of argument of, 609
- Brandon, battle of, 101
- Brandt, Amos, a pioneer of Des Moines, 476
- Brandt, Isaac, 366
- Brannan, W. F., letter from, 566
- Brattain, Paul, 168
- Brawnson and Irvin (see Brownson), John Chambers clerks in store of, 281
- Breckenridge, John C., 231; article on, 314
- Breckenridge, W. C., bibliography by, 481
- Bremer County, 410; establishment of, 417; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 561
- Brent, Charles Scott, 284; death of Governor Chambers at home of, 286
- Brent, Hugh Innis, 284
- Brentwood Hills, battle of, 101
- Bretz, Julian P., discussion by, 142
- Brevard, Caroline Mays, article by, 631
- Breweries, closing of, 560
- Brewers' Association, meeting of, 366; resolutions of, 512, 520, 542
- Briggs, Ansel, nomination of, for Governor, 49; inauguration of, 52; special session of legislature called by, 170; charges of Whigs against, 177; biennial message of, 184; reference to, 291
- Brigham, Jennie Pierce, article by, 624
- Brigham, Johnson, address by, 617
- Brindley, John E., book by, 636; reference to, 637
- Brisco, Richard M., a pioneer, 476
- British Army, American's Experience in, 121
- British Board of Trade, article on, 318, 464, 491
- British Highways and Byways*, 309
- British squadron, defeat of, on Lake Erie, 268
- Broadhead, J. C., article by, 136
- Broken Lance, The*, 130
- Bromley Bridge (Somerset County, New Jersey), 252, 280
- Brooklyn (Iowa), 406
- Brooks, Oliver, records kept by, 473
- Brooks, Preston, assault upon Sumner by, 228
- Brooks, Robert C., article by, 118
- Brough, John, Birthplace of*, 483
- Brown, Allen Henry*, 482
- Brown, Charles E., 487
- Brown, Elizabeth S., article by, 134
- Brown, Ernest C., article by, 614
- Brown, John, incident in life of, 621
- Brown, John Evans, journal of, 299
- Brown, Gen. John Marshall*, 315
- Brown, John N. Elliott, article by, 464
- Brown, Leonard, book by, 618
- Brown, Robert M., article by, 462
- Brown, Timothy, monument to, 476
- Brownson and Irvin (See Brawnson), John Chambers clerks in store of, 256
- Brownsville, battle of, 101
- Bruce, Book of*, 120, 301, 614
- Bruguier, Theophile, sketch of life of, 312, 486
- Bryan, William J., address by, 325
- Bryce, James, chosen President of American Political Science Association, 140; article by, 298
- Buchanan, James, 231, 232, 233, 482; vote for, in Iowa, 234
- Buchanan County, establishment of, 387; size of, 388; jurisdiction of, 389; reference to, 392, 416; boundaries of, 398, 401, 402, 434, 435; facts concerning, 436, 439; effect of prohibitory law in, 561
- Buckeye Home Coming, A*, 138
- Buckeye Pioneers, The*, 138
- Buena Vista County, establishment of, 418; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 561
- Buffalo, The Migration of the*, 305
- Buffalo Convention, 180
- Buffalo Historical Society, officers of, 324; collection of books deposited with, 633
- Builders of the Republic, The*, 121
- Bump, Charles W., article by, 318
- Buncombe County, establishment of, 418; boundaries of, 418; change of name of, 430; facts concerning, 439
- Burleigh, Charles H., paper by, 625
- Burlington, claims of, for capital of Territory of Wisconsin, 6; removal of seat of government from, 8; Territorial Con-



## 650 IOWA JOURNAL OF HISTORY AND POLITICS

- vention at, 8; Van Buren Convention at, 14; Tippecanoe club of, 14; violations of prohibitory law at, 81; War time in, 132; Democratic rally at, 198; reference to, 218; indignation meeting at, 227; meeting of brewers at, 366, 542; meeting of legislature at, 387, 389; demolition of school building at, 498; effect of prohibitory law in, 542, 543
- Burlington Collegiate Institute, organization and history of, 108
- Burlington Hawkeye, The*, historical items in, 132, 311, 312, 473, 476; seventieth anniversary of, 476
- Burlington University, sketch of, 498, 622
- Bürgermeister, The*, 464
- Burgoyne's Troops, The Treatment of*, 119
- Burnett, Thomas P., candidate for Delegate, 8
- Burnt Mills (Somerset County, New Jersey), 252
- Burrage, Henry S., article by, 315
- Burrill Family of Linn, Biographical Sketches of Members of the*, 626
- Burton, Martha Virginia, book by, 129, 474
- Bushnell, David I., Jr., monograph by, 465
- Butler, Ellis Parker, books by, 129, 474
- Butler, William O., joy of Democrats over nomination of, 178; nomination of, 179
- Butler County, establishment of, 417; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 561
- Butterworth, Alex., Ralph rescued by, 91
- Byers, H. W., 157
- Byers, S. H. M., war song written by, 311
- Byington, Le Grand, 229
- Byrd, Charles William, sketch of life of, 317
- Caesar, A New Method for*, 130
- Cahwilla Indians, Ethnography of*, 616
- Caldwell, E. W., 486
- Caldwell, Henry Clay*, 320
- Calhoun, John C., speech of, 192; reference to, 323, 492
- Calhoun County, 424; facts concerning, 436, 439; effect of prohibitory law in, 561
- California, history of, in preparation, 154; acquisition of, 179; question of slavery in, 186, 187; question of admission of, 189, 192; emigration to, 189; reference to, 275; Iowa picnic in, 332
- California, Southern, Annual Publication of the Historical Society of*, contents of, 315
- California, The Genesis of*, 614
- California, The University of, Chronicle*, articles in, 615
- California Column, The*, 478
- California Indians, Mission Record of*, 616
- Calkin, Asa, nomination of, as delegate to Constitutional Convention, 47; proceedings against, 174
- Call, Richard Keith, biographical sketch of, 631
- Callahan, James Morton, monograph by, 467
- Callanan Home, last of, 476
- Cambridge Historical Society, Publications of the*, contents of, 314
- Cameron, Scotch clan, 250
- Camp, Hosea F., death of, 7
- Camp McClellan and the Redskins*, 625
- Camp Seneca, John Chambers joins Harrison at, 268; reference to, 269
- Campaign, political, part played by temperance question in, 347, 359, 368, 370, 535, 549, 563, 564, 573, 574, 584, 586, 594
- Campbell, Duncan, 325, 488
- Campbell, Edward, speech of, 536
- Campbell, Frank T., 508
- Campbell, Robert G., monograph by, 611
- Canada, army embarks for, 269
- Canada, Historical Publications Relating to*, 120, 609
- Canada, The Noblesse of*, 317
- Cannon, W. D., 330
- Cape Fear Mercury*, 323
- Carlton, James P., member of committee, 26
- Carnegie, Andrew, address by, 299, 462
- Carnegie Institution of Washington, report of Department of Historical Research of, 465; recommendation of, 498; description of, 610
- Carney, J. L., 326; address by, 487
- Carnochan, Janet, article by, 316
- Carpenter, Cyrus Clay, 364; attack upon, 547
- Carpenter, S. S., delegate to Convention, 196
- Carpenter, William L., sketch of life of, 621
- Carroll, Mrs. Charles, 276
- Carroll, Beryl F., nominated for Governor, 496
- Carroll County, 416; establishment of, 418; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 561

- Carson, Christopher, 233  
 Carter, James Coolidge, lectures by, 116  
 Carter, Joshua, famous Grays of, 312  
 Carver, F. M., article by, 462  
*Casa Grande, Excavations at*, 304  
*Casa Grande Ruin, Report on*, 469  
 Casady, P. M., sketch of life of, 131, 621; incident in life of, 476  
*Casket Letters, Mr. Lang and the*, 297  
 Cass, Lewis, 112, 206, 208; joy of Democrats over nomination of, 177; nomination of, 179; comparison of Taylor and, 180; vote for, in Iowa, 181; attitude of Free Soilers toward, 188; counties created by, 378  
 Cass County, 416; establishment of, 417; boundaries of, 420, 434, 435; facts concerning, 436; effect of prohibitory law in, 561  
 Cassady, John B., article by, 120  
*Catholic Historical Researches, The American*, articles in, 297, 461, 613  
*Catholic Historical Society, American Records of the*, articles in, 133, 134  
*Catholic Historical Society of Philadelphia, Records of the American*, articles in, 479  
 Catholic Historical Society, United States, *Historical Records and Studies of*, 316  
*Catholic Privateersmen*, 297  
 Catt, Mrs. Carrie Chapman, 333  
 Cecil County (Maryland), 254  
 Cedar County, establishment of, 387; boundaries of, 388; reference to, 389; facts concerning, 436; effect of prohibitory law in, 561  
 Cedar Rapids, adoption of Des Moines plan by, 331; reform club at, 365; convention of brewers at, 512; Prohibition State Convention at, 550, 574  
*Cedar Rapids Evening Gazette*, pamphlet published by, 472  
*Cedar Rapids Republican*, historical items in, 476, 477, 623  
 Cedar Valley Seminary, history of, 109  
 Center Point, early history of, 477  
 Central University, history of, 108  
 Cerro Gordo County, establishment of, 418; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 561  
*Chamberlain, Hon. Daniel H., Recollections of*, 625  
 Chambers, Benjamin, 250; marriage and career of, 254  
 Chambers, Benjamin, brother of Governor Chambers, 255; later career of, 274, 275  
 Chambers, Betsey, aunt of Governor Chambers, 250  
 Chambers, Ezekiel Forman, career of, in Maryland, 254  
 Chambers, Francis Taylor, requests of, for an autobiography of Governor Chambers, 248; entries concerning, 284  
 Chambers, Hannah, 284  
 Chambers, Henry, sketch of Governor Chambers written for, 247; letters of Governor Chambers to, 248; *Autobiography* addressed to, 249; birth of, 285  
 Chambers, James, settling of, in Pennsylvania, 249; marriage of, to Sarah Lee, 250; sisters of, 273  
 Chambers, James, uncle of Governor John Chambers, 250, 251  
 Chambers, James, brother of Governor Chambers, 255; migration of, to Kentucky, 259; election of, to Kentucky legislature, 270; reference to, 274  
 Chambers, James, 284  
 Chambers, Jane, 285, 286  
 Chambers, John, appointment of, as Governor, 17; desire of, for Statehood, 19, 32, 33; treaty of, with Indians, 32; reference to, 42; removal of, 45; grandson of, 247; autobiographical sketch written by, 247; family record kept by, 247, 248; letters of, to Henry Chambers, 248; *Autobiography* of, 249; arrival of, in Kentucky, 255, 280; acts as clerk in store, 256, 281; goes to Transylvania seminary, 256, 281; enters employ of Francis Taylor, 257, 281; becomes deputy clerk of court, 258; receives license to practice law, 258, 281; attitude of, toward parents, 258, 259; law practice of, 259; candidacy of, for Circuit Court clerkship, 259, 260; engagement of, 260, 261; interview of, with Francis Taylor, 261; marriage of, 262; death of first wife of, 262, 263; marriage of, to Hannah Taylor, 263; engages in hemp business, 264; elected to Kentucky legislature, 265; joins staff of General Harrison, 268; arranges papers of General Harrison, 268; part of, in Battle of the Thames, 269, 270, 281; commendation of, by General Harrison, 269, 270, 282; election of, to Kentucky legislature, 271, 282; activity of, in campaign of 1840, 271; accompanies President Harrison to Washington, 272, 282; appointment of, as Governor of Iowa, 272, 282; attends President Harrison at death, 273; career of, in Iowa, 273; election of, to minor offices, 277;

- letter from, to Mathew C. Perry, 277;  
attitude of, toward political life and  
prevalent evils, 277, 278, 279; *Family  
Record* kept by, 280; birth and parent-  
age of, 280; appointed judge of Court  
of Appeals, 282; treats with Indians,  
283; family of, 283, 284, 285; death  
of, 286; biography of, 329, 495
- Chambers, John, The Autobiography of,*  
by JOHN C. PARISH, 247; reference  
to, 620
- Chambers, John James, 285
- Chambers, John Marshall, 285
- Chambers, Joseph, uncle of Governor John  
Chambers, 250, 251
- Chambers, Joseph Sprigg, 284
- Chambers, Laura, 285
- Chambers, Margaret Taylor, 284
- Chambers, Mary, 285
- Chambers, Matilda, 284
- Chambers, Mrs. Henry, Professor Sham-  
baugh entertained at home of, 247
- Chambers, Mrs. James (Sarah Lee), mar-  
riage of, 250; brothers of, 274
- Chambers, Mrs. John (Hannah Taylor),  
marriage of, 263, 284; children of, 284,  
285, 286; death of, 286
- Chambers, Mrs. John (Margaret Taylor),  
engagement of, 260; proposed return of,  
to Maryland, 261; marriage of, 262,  
283; death of, 262, 263, 283
- Chambers, Mrs. Rowland (Phoebe Mulli-  
can), marriage of, 252; removal of, to  
Augusta, Kentucky, 257; return of, to  
Washington, 258; attitude of John  
Chambers toward, 258, 259; reference  
to, 280
- Chambers, Polly, death of, 257
- Chambers, Rowland, conversation of, con-  
cerning ancestry, 249; early life of, 250;  
life of, during the Revolution, 253;  
business of, 254; removal of, to Augus-  
ta, Kentucky, 257; return of, to Wash-  
ington, 258; death of, 259; reference  
to, 280
- Chambers, Sarah (See Logan, Mrs. Jos-  
eph), marriage of, 257; reference to,  
275
- Chambers, Sprigg, desires copy of *Auto-  
biography*, 248
- Chambers, William, birth of, 252; return  
of, from Kentucky, 255; John Cham-  
bers sent to school by, 256; reference  
to, 274
- Chapline, Albert, article by, 623
- Chapman, Joseph W., compilation by, 626
- Chapman, William W., candidate for Dele-  
gate to Congress, 8, 14; reference to,  
10, 12, 53; term of office of, 12; advice  
from, 13; member of Constitutional Con-  
vention, 36
- Chapple, Joseph Mitchell, book by, 618
- Charles, John H., *Reminiscences of*, 630
- Charleston (Illinois), celebration at, 498
- Charleston—Original Plan and Earliest  
Settlers*, 480
- Charleston District, The Slave Labor Prob-  
lem in the*, 119
- Chase, Salmon P., 205, 206, 207, 245
- Cheek, Jesse, sketch of life of, 622
- Cheerful Smugglers, The*, 474
- Cherokee County, establishment of, 418;  
boundaries of, 418; facts concerning,  
436; effect of prohibitory law in, 561
- Chicago, early mission in, 134; Treaty of,  
413
- Chicago Charter Convention, The*, 122
- Chicago Historical Society, *Year-Book of*,  
313
- Chicago Historical Society's Collection*,  
contents of, 481
- Chickasaw County, 410; establishment of,  
418; boundaries of, 419, 427; facts  
concerning, 436; effect of prohibitory  
law in, 561
- Child Labor and Social Progress*, 613
- Child Labor in America*, 611
- Chillicothe (Ohio), 252
- Chinese History*, 482
- Chinese Students in America*, 617
- Chippewa Indians, 409
- Choate, Louisa Childs, paper by, 487
- Chouteau, J. Gilman, will of, 488
- Chouteau, Auguste, correspondence of, 488
- Church, history of Iowa's first, 131
- Church, Iowa's Attitude Towards the*, 308
- Church, Social Work of*, 117, 118
- Church, The, and the Working Man*, 117,  
118
- Church and Philanthropy, The*, 118
- Church and State, Separation of*, 611
- Church Chronology*, 308
- Church History*, 308
- Churchman, James, candidate for Delegate,  
14
- Charities and the Commons*, articles in,  
118
- Cincinnati—A Civic Ode*, 482
- Cincinnati History Teachers Association,  
movement begun by, 143
- Circuit Rider, experience of, 132
- City Graft, in olden days, 475
- Civil War, events preceding, 88; nature  
of, 88; liquor legislation during, 339
- Claghorn, Kate Holladay, article by, 609
- Claim Society Incident of Early Days*, 625



- Clapp, Elder J. C., *Autobiography of*, 472
- Clark, Charles A., 330
- Clark, Dan Elbert, 152, 159, 500, 636, 642
- CLARK, DAN ELBERT, *The History of Liquor Legislation in Iowa*, 55, 339, 503; *A History of Iowa Baptist Schools*, by Alonzo Abernethy, 107; *Grant, Lincoln, and the Freedmen*, by John Eaton and Ethel Osgood Mason, 288; *Proceedings of the State Historical Society of Wisconsin*, 457
- Clark, Lincoln, speech by, 180, 198; candidate for elector, 181; candidate for Congressman, 190, 197; election of, 192; defeat of, 197
- Clark, R. L. B., 210
- Clark Bill, enactment of, 552; provisions of, 552, 553
- Clarke, James, appointment of, as Governor, 45; proclamation of, on adoption of Constitution, 49
- Clarke, William Penn, candidate for elector, 181; vote for, 192; reference to, 197, 227
- Clarke County, third party in, 351; establishment of, 404; boundaries of, 404, 405, 417; facts concerning, 436; effect of prohibitory law in, 561
- Clarkson, Mrs. Ret, 333
- Class Conflict in America*, 463
- Clay, Green, in charge of Fort Meigs, 267
- Clay, Henry, 9, 13, 18, 33, 37, 52, 112, 204, 245; condemnation of public service of, 17; opposition to, 25; support of, by Whigs, 30; condemnation of, by Iowa Democrats, 53; rejection of, by Whigs, 180; compromise plan of, 192
- Clay Clubs, formation of, 30
- Clay County, establishment of, 418; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 561
- Clayton County, petition of citizens of, 83; establishment of, 387; reference to, 388, 389, 392, 411; boundaries of, 410; facts concerning, 436; effect of prohibitory law in, 561
- Clear Lake, meeting of temperance workers at, 366, 512
- Cleveland, William F., book by, 472, 474
- Clifton, Josiah, 165
- Clinton, blue ribbon movement at, 371
- Clinton County, vote on Statehood in, 27; third party in, 351; establishment of, 387; boundaries of, 388; facts concerning, 436; effect of prohibitory law in, 561, 586; effect of mulct law in, 601
- Cloud, Daniel C., candidate for Attorney General, 203, 204; election of, 204, 210; joint resolution introduced by, 234; speech by, 235
- Cochran, W. J., 166
- Code of 1851, provisions of, 61
- Cody, William F., book by, 618
- Coe, Edwin Delos, paper by, 142, 458
- Coffin, Victor, article by, 633
- Coleman, Christopher B., 626
- Coleman, J. M., candidate for office, 176
- Colgrove, Chauncey P., book by, 618
- Colgrove, Kenneth W., prize won by, 497
- Colonial Dames, winner of prize given by, 497
- Colonial Documents, Miscellaneous*, 627
- Colonial Expansion*, 124
- Colonial Movement, The Early English*, 611
- Color Bearer of the Twelfth Iowa Volunteer Infantry, The*, by J. W. RICH, 96
- Columbia Law Review*, articles in 116, 298, 464
- Columbia River Improvement*, 484
- Columbia That is to Be, Our Own*, 618
- Columbus, The Beginnings of*, 304
- Commerce, Geographic Influences Affecting*, 461
- Commissioner of Internal Revenue, reports of, 571, 572, 595
- Committee of Correspondence, 17
- Commons, John R., article by, 463
- Conard, Henry Shoemaker, book by, 308, 619
- Confessions of a Daddy, The*, 129
- Congregational Iowa*, articles in, 307
- Congress, act of, for admission of Iowa, 39; act of, affecting sale of liquors, 579; petitions to, from Iowa, 580; instructions to delegation in, 589
- Conlee, Reuben, 165; death of, 169
- Connecticut, Valley Towns of*, 117
- Connecticut Historical Society, Collections of the*, contents of, 137
- Constabulary, agitation for, 550
- Constant, Baron d'Estournelles de, address by, 299
- Constitution, defeat of proposition to frame, 16; act of legislature concerning formation of, 20; reason for agitation for new, 238
- Constitution, The (Oklahoma), 126
- Constitution of 1844, vote on, 38; comment and criticism upon, 38, 39, 40, 43, 44; first rejection of, by people, 40; second rejection of, 44
- Constitution of 1846, public discussion of, 48, 49; adoption of, 49; vote on, 49; Governor's proclamation concerning, 49; a product of Democratic party, 53; con-



## 654 IOWA JOURNAL OF HISTORY AND POLITICS

- test over, 164; desire for amendment to, 164, 187, 196, 201; act concerning convention to amend, 203
- Constitution of 1857, public discussion of, 240-244; adoption of, 244; agitation for convention to revise, 513; attempt to amend, 539, 578, 599
- Constitution of Iowa, Proceedings of the Fiftieth Anniversary of the*, description of, 152; reference to, 310
- Constitutional Convention (1844), question of holding, carried, 34; election of delegates to, 34, 35; discussion preceding, 35; discussions in, 36, 37
- Constitutional Convention (1846), election of delegates to, 46, 47; debates in, 47, 48
- Constitutional Convention, (1857), instruction to Democratic members in, 238; vote for holding, 239; election of delegates to, 239; adjournment of, 240
- Consumer's League, pamphlet by, 609
- Continental Congress, Journals of*, 116, 610
- Cook, Ebenezer, candidate for Senator, 212
- Cook, Isaac, defeat of, 192
- Cook, John P., election of, 197; objections of, to Kansas-Nebraska bill, 208
- Cook County, establishment of, 383; boundaries of, 385, 386; reference to, 386, 391; omission of, 390; facts concerning, 438
- Cooke, Thomas, genealogical sketch of, 629
- Coolbaugh, B. F., delegate to Convention, 223
- Coolbaugh, W. F., delegate to Convention, 196
- Coon River Bridge, article on, 621
- Coonewar, battle of, 101
- Coop, William G., nomination of, as delegate to Constitutional Convention, 46; incident in life of, 311
- Cooper, J. M., paper by, 487
- Coover, A. B., article by, 482
- Corkery, Charles, 168
- Corn Palace, history of, in Sioux City, 132
- Corporations, committee on, in Constitutional Convention, 36
- Corwin, Thomas, 13
- Corydon, temperance agitation at, 359
- Cottman, George S., report by, 143; succeeded by Christopher B. Coleman, 626
- Council Bluffs, recollections of early, 132; reference to, 182, 546; caravans passing through, 189; Indian agency near, 412; Democratic State Convention at, 506; nullification of prohibitory Amendment in, 529
- Counties, formation of, in Territories, 377; acts establishing and fixing boundaries of, 380-434; boundaries of, 434, 435; facts concerning present, 435-438; list of, blotted out, 438; list of temporary, 438, 439; list of proposed, 439; list of, the names of which have been changed, 439; maps illustrative of establishment of, 441-456; origin of, 622, 623
- Counties in Iowa, History of the Establishment of*, by FRANK HARMON GARVER, 375
- County Commissioners, liquor traffic regulated by, 59, 60
- County Judges, regulation of liquor traffic by, 74
- Court, Supreme, of Territory of Iowa, case concerning Ralph tried before, 89, 92; decision of, in fugitive slave case, 93, 94
- Courts and Legal Profession of Iowa, The*, 129
- Cousins, Robert G., incident in life of, 311, 312
- Covington (Nebraska), return of saloons to Sioux City from, 583
- Cox, Thomas, president of Democratic meeting, 28; reference to, 53, 291
- Coxe, Alfred C., article by, 298
- Craighton, H., 10
- Crallé, Richard K., letter to, 322, 323
- Crawford, Col. P. W., reminiscences of, 625
- Crawford, Nelson Antrim, Jr., 151
- Crawford, T. H., appointment of, to treat with Indians, 283
- Crawford County, 416, 430; establishment of, 418; boundaries of, 419; facts concerning, 436; effect of prohibitory law in, 561
- Cripple Creek District, Labor History of*, 471
- Crocker County, 419; establishment of, 431; unconstitutionality of, 432; facts concerning, 438
- Crosley, George W., 157, 158
- Cross, Adrian, 639
- Cross, Ira, article by, 609
- Cruikshank, E., article by, 316
- Cruikshank, J. P., investigation by, 641
- Cryptic Masonry in Iowa, History of*, 472, 474
- Cuban Archives, Guide to*, 465
- Cumberland, Barlow, article by, 316
- Cummins, Albert B., 157, 333
- Curia Regis, The Descendants of the*, 138
- Current Issues*, 310
- Current Legislation, Notes on*, 464
- Currey, J. Seymour, address by, 324

- Currier, Amos N., article by, 617
- Curtis, Edward S., book by, 636
- Curtis, Samuel R., elected Congressman, 230; report by, 484
- Curtis, William Elroy, article by, 614
- Cutler, Elisha, Jr., nomination of, for Secretary of State, 49; act published by, 172, 173; reference to, 174; election returns prepared by, 175; charges of Whigs against, 177; convention called by, 185
- Cutler, Manasseh, account of work of, 614
- Dakotas, portion of, attached to Territories of Michigan and Wisconsin, 89
- Dallas, George M., 37
- Dallas County, establishment of, 404; boundaries of, 404, 405, 406, 425, 426; reference to, 408; territory gained by, 423; facts concerning, 436; effect of prohibitory law in, 561
- Dalton, Mary Louise, death of, 139
- Dalton, Mary Louise, In Memoriam*, 484
- Danes, 526; Amendment opposed by, 527
- Danville, old settlers' meeting at, 623
- Darling, Mrs. G. W., 326
- Dartmouth College, article on, 479
- Darwin, Charles Ben, speech by, 498
- Davenport, Frances G., collection by, 466
- Davenport, T. W., article by, 319, 483
- Davenport, rejection of Des Moines plan by, 331; circular letter sent out by editor in, 548
- Davenport Academy of Science, 331
- Davidson, George, monograph by, 615
- Davis, James, candidate for Delegate to Congress, 10
- Davis, Jefferson, biography of, 153; writings and speeches of, 153; incidents in life of, 475; proposed publication of letters and papers of, 492; attempt to collect letters and papers of, 492-494
- Davis, Mrs. Robert (Phoebe Chambers), birth of, 252; marriage of, 255
- Davis, Peter, migration of, to Kentucky, 255
- Davis, Robert, accompanies Chambers family to Kentucky, 255; removal of, to Augusta, Kentucky, 257
- Davis, Timothy, nomination of, for Congressman, 176; defeat of, 178; elected Congressman, 230
- Davis, T. E., article by, 315
- Davis County, establishment of, 397; boundaries of, 399; facts concerning, 436; effect of prohibitory law in, 561
- Davison, Arthur H., compilation by, 619
- Dawson, old settlers' meeting at, 639
- Day, James G., 530; opinion of, on rehearing of Amendment case, 535; attempt to nominate, 538
- Dayton, J. H., nominated for election, 181; reference to, 192
- Dean, Henry Clay, letter to, 69, 70; speech written by, 226; article on, 321, 475
- Decatur County, names of streams in, 325, 488; establishment of, 404; boundaries of, 404; reference to, 415, 416; facts concerning, 436; effect of prohibitory law in, 561
- Decatur County Historical Society, meeting of, 325, 488
- Dedrick, George, letter from, 318
- Deemer, Horace E., address by, 325, 474
- De Facto Office*, 119
- Delano, Frederic A., article by, 312
- Delaware, 22
- Delaware County, establishment of, 387; boundaries of, 388; facts concerning, 436; effect of prohibitory law in, 561
- Delegate to Congress, candidates for, from Wisconsin Territory, 4; candidates for in 1838, 8, 10; election of Chapman as, 10; candidates for in 1840, 14; election of A. C. Dodge as, 15, 19, 29, 45; comparison of votes for, 29
- Delegates to Congress from Iowa*, 497
- Delegation of Legislative Power, The*, 464
- Delmar, blue ribbon movement at, 372
- De Long, Henry C., 133
- Democratic party, cause for dissolution of, 209; resolution of, against prohibitory law, 343, 344, 351, 360, 370, 536; plank in platform of, favoring license law, 506, 549, 564, 573, 584, 593; resolution of, opposing prohibitory amendment, 514, 528; relation of, to prohibition question, 546; reasons for victory of, in 1889, 573; victory of, in 1891, 587; reasons for victory of, 587
- Democratic Party of Iowa, 1846-1857, The History and Principles of the*, by LOUIS PELZER, 163
- Democratic Party of the Territory of Iowa, The History and Principles of the*, by LOUIS PELZER, 3
- Democratic State Convention, of 1847, 168; of 1848, 177; of 1849, 186; of 1850, 191; of 1851, 195; of 1852, 196; of 1853, 203; of 1854, 204; of 1855, 215; of 1856, 222, 237
- Democrats, denunciation of, by Whigs, 14; spoils system adopted by, 16; alarm of, over election of Wm. H. Harrison, 17; convention of, at Iowa City, 18, 25, 27,

## 656 IOWA JOURNAL OF HISTORY AND POLITICS

- 28; charges of, against Whigs, 18; attitude of, toward Statehood, 21-27, 34; opposition of, to United States Bank, 31; opposition of, to Miners' Bank, 32; victory of, in election of delegates to Constitutional Convention, 35; attitude of, toward banks, 36, 37, 47; celebration of election of Polk and Dallas by, 37, 38; support of Constitution of 1844 by, 38, 39; victories of, in election of 1845, 40; persistence of, in favor of Statehood, 45; success of, in election of 1846, 51, 165; supremacy of, in Territory of Iowa, 53; Constitution of 1846 a product of, 53; influence of, in securing Statehood, 54; prevention of joint convention by, 166; celebration of anniversary of battle of New Orleans by, 167; victory of, in election of 1847, 169; disappointment of, at defeat of Mason, 172; attitude of, toward act concerning election of Superintendent, 173, 174; barbecue held by, 178, 180; success of, in election of 1848, 178; success of, in electing Senators, 185; success of, in election of 1850, 192; success of, in election of 1852, 197, 198; attitude of, toward slavery, 205; defeat of, 213; attitude of, toward struggle in Kansas, 221; attitude of, toward Constitution of 1857, 240-244; fusion of Greenbackers and, 550; attitude of, toward mullet law, 600
- Des Moines County, first census of, 4; apportionment to, 4; boundaries of, 381; reference to, 383, 386, 389, 391, 392; facts concerning, 438 (See Des Moines County)
- Denmark, founding of church at, 473
- Denny, Col. James, *Correspondence of*, 137
- Denny, Sarah Loretta—*A Tribute*, 135
- Derbys, *The, of Salem, Mass.*, 626
- Derry, Elder Charles, *Autobiography of*, 617
- De Smet, Rev. P. J., *Letters of*, 316
- Des Moines, historic places of, 131, 132; Democratic mass meeting at, 215-217; adoption of Des Moines plan by, 331; blue ribbon jubilee at, 372; Republican State Convention at, 506, 528, 536; convention of liquor dealers at, 514, 520; temperance convention at, 514, 527, 534, 552; Democratic State Convention at, 514, 536; distillery at, 517; plan to nullify prohibitory law at, 546; injunction against distillery at, 559; effect of prohibitory law in, 559, 590; Prohibition State Convention at, 564; meeting of Iowa Pharmaceutical Association at, 568; reference to, 575; conference of Republicans at, 582, 590, 591; number of drinking places in, 586
- Des Moines College, organization and history of, 108
- Des Moines County, act dividing, 382, 383; boundaries of, 385, 390, 396; reference to, 393; territory added to, 393, 395; territory taken from, 395, 396; facts concerning, 436; effect of prohibitory law in, 561, 586. (See Demoiné County)
- Des Moines Plan, adoption of, 331
- Des Moines River Improvement, 203
- De Soto, *Did, Discover Kentucky at the Time of his Conquest of Florida*, 136
- Detroit (Michigan), reminiscences of, 111; surrender of, 265; reference to, 380
- Detroit, *Im Jahre 1842 von St. Louis nach*, 628
- Deutsch-Amerikanische Geschichtsblätter, articles in, 480, 628
- Devitt, E. I., letters edited by, 479
- Dewey, William, 215
- Dexter, Franklin Bowditch, paper by, 625
- Dey, Peter A., 494
- Dickerson, James, sketch of life of, 620
- Dickerson, O. M., paper by, 491
- Dickinson County, establishment of, 418; boundaries of, 418; small area of, 421; facts concerning, 436; effect of prohibitory law in, 561
- Dillon, Anna Price, *Memoirs and Memoirs*, 307
- Dillon, John F., 329
- Dillon, John M., book by, 619
- Dillon, Mrs. John F., book in memory of, 307
- Dissolving Circle, *The*, 474
- Dodd-Poince, Adah, article by, 471
- Dodge, Augustus C., candidate for Delegate to Congress, 14, 18, 28, 42; campaign between Alfred Rich and, 14, 15, 19; election of, as Delegate to Congress, 15, 19, 29, 45; reference to, 16, 23, 39, 53, 166; pride of Democrats in public service of, 17; debates between Wallace and, 29; letter from, 40, 43; contest between Lowe and, 44; candidate for Senator, 165, 212; mention of, for senatorship, 170; speech by, 180, 193, 194, 198, 206, 207, 498; candidate for elector, 181; election of, as Senator, 185; vote of, on Kansas-Nebraska Bill, 207; appointed minister to Spain, 217; biography of, 329, 494,



- 636; incidents in life of, 622; letter from Robert E. Lee to, 622
- Dodge, A. C., *Correspondence of, and Thomas H. Benton*, 321
- Dodge, Augustus Caesar, *The Diplomatic Correspondence of*, 492
- Dodge, Grenville M., 333
- Dodge, Henry, census ordered by, 4; proclamation of, 4, 7; commendation of services of, 8; reference to, 207
- Dolliver, Jonathan P., 333
- Donahoe, Daniel J., article by, 121
- Donelson, Andrew J., 231
- Donna Isabel, *The Last Voyage of the*, 620
- Doty, James D., appointment of, to treat with Indians, 283
- Doughty, Arthur G., 141
- Douglas, Albert, article by, 138
- Douglas, Stephen A., speech by, 198, 226; report of, 204; reference to, 205, 206, 208, 209, 210, 235, 245; address on, 324; biography of, 474; article on, 631; celebration of semi-centennial of debates between Lincoln and, 498
- Douglas, Lincoln, and the Nebraska Bill, 469, 614
- Douglass, T. O., article by, 471
- Dowden, J., article by, 297, 610
- Downey, E. H., 152
- DOWNNEY, E. H., *The Lyon Campaign in Missouri*, by E. F. Ware, 106; *Reminiscences of the Twenty-Second Iowa Volunteer Infantry from the Diary of Lieutenant S. C. Jones*, 287; *The Revolution on the Upper Ohio*, by Reuben Gold Thwaites and Louise Phelps Kellogg, 460
- Downey, Hugh D., 227
- Downing, George C., article by, 314; reference to, 323
- Dows, William G., 637
- Doyle, J. A., death of, 331
- Drake, Francis, *on the Northwest Coast of America*, 615
- Draper, Lyman C., *Collections* by, 483; burial lot of, 488
- Draper manuscripts, 133
- Draper's Activities as a Collector*, 492
- Drew, John W., temperance lectures by, 371; reference to, 372
- Drug-store, saloon replaced by, 556
- Drummond, R. R., article by, 135
- Drunkards, law providing guardians for, 579
- Du Bois, Constance Goddard, monograph by, 616
- Dubuque, Julien, burial mound of, 304; article on ancestry of, 623; history of tomb of, 623
- Du Buque, claims of, for capital of Territory of Wisconsin, 6; Miners' Bank at, 31 (See Dubuque)
- Dubuque, debate between Dodge and Wallace at, 29; Miners' Bank at, 37; convention of liquor dealers at, 77; negro Ralph settles at, 90; seizure of Ralph at, 91; return of Ralph to, 92, 95; Democratic association of, 180; effect of prohibitory law in, 543, 568; homecoming week at, 623; list of early settlers of, 623; recollections of, by former citizens, 623
- Du Buque County, first census of, 4; apportionment to, 4; call for meeting of Democratic Republicans in, 6; death of Representative from, 7 (See Dubuque County)
- Dubuque County, vote on prohibitory law in, 78; boundaries of, 381, 386, 388; reference to, 383, 386, 389; division of, 387; establishment of, 387; facts concerning, 436, 438; vote on Amendment in, 525; effect of prohibitory law in, 561, 586
- Dubuque Telegraph-Herald*, historical articles in, 312, 622, 623
- Dudgeon, M. S., article by, 118
- Dudley, William, defeat of, 267
- Duffield, George C., sketch of life of, 622
- Duke de Lauzun, The*, 119
- Duncan, Thomas, article by, 297
- Duncombe, John F., 530
- Dungan, D. R., nominated for Governor, 508; vote received by, 508
- Dupouey, Robert, article by, 124
- Durret, Eliza, 285
- Durrett, Reuben T., book by, 629
- Dutcher, George Matthew, article by, 612
- Duval, Gov. William P., Message of*, 631
- Dye, Eva Emery, documents collected by, 135, 630, 632
- Dyer, Frederick H., book by, 638
- Eads, James D., nominated for Superintendent, 204; election of, 210
- Eagel, T. D., 224
- Eames, Robert, of Woburn, Mass.*, 315
- Earl, Thomas M., article by, 138
- Eastman, Enoch W., efforts of, to defeat Constitution, 40; reference to, 191; speech by, 223
- Easton, J. A., article by, 138
- Eaton, A. K., 224
- Eaton, Arthur Wentworth Hamilton, compilation by, 629



## 658 IOWA JOURNAL OF HISTORY AND POLITICS

- Eaton, John, and Ethel Osgood Mason, *Grant, Lincoln, and the Freedmen*, by DAN ELBERT CLARK, 288
- Eaton, Theophilus, paper on, 625
- Ebersole, Ezra Christian, book by, 129
- Eckenrode, H. J., archives in charge of, 300
- Economic Association, American, meeting of, 139
- Economic Conditions in the Northwest, 1860-70*, 143
- Economics, The Quarterly Journal of*, articles in, 462, 610
- Educator in First Years of the Republic*, 121
- Edwards, James G., 291
- Eells, Edwin, address by, 482
- Egan, George William, address to jury by, 127, 129
- Eldredge, Zoeth S., article by, 614
- Elections, general, act of legislature concerning, 11; selling of liquor at, prohibited, 374
- Elizabethan Parish, The*, 612
- Elliot, T. C., article by, 624
- Elliott, Edward G., article by, 463
- Ellis, James W., articles by, 625
- Ellis, Russelas, sketch of life of, 311
- Ellis, Robert, sketch of life of, 477; anniversary of residence of, in Cedar Rapids, 477
- Elrod, Morton John, monograph by, 615
- Ellsworth, James W., 471
- Elwang, William Wilson, monograph by, 461
- Emerson, Willis G., book by, 619
- Emigrant Aid Association, 227
- Emigrants, influence of, in early Iowa, 3
- Emigrants from England*, 629
- Emmet County, establishment of, 418; boundaries of, 418; small area of, 421; reference to, 431; facts concerning, 436; effect of prohibitory law in, 561
- Emory, Henry C., article by, 298
- England, estates of Mr. Martin in, 252; departure of Mr. Martin for, 253
- England, Motor Days in*, 619
- Engle, Peter H., candidate for Delegate, 10
- English Colonial Movement, The Early*, 463
- English Colonies in America*, 331
- English Constitution, The Origin of the*, 322, 632
- English Settlement in the Illinois, The*, by Edwin Erle Sparks, by F. H. GARVER, 113
- Eno, Henry, candidate for seat in Council, 10
- Enton, James V., article by, 120
- Erie, Lake, victory of Perry on, 268
- Error of Law*, 116
- Ervin, Edgar, article by, 483
- Essex Antiquarian, The*, articles in, 313, 478
- Essex Institute Historical Collections*, contents of, 314, 626
- Ethics, A Business Life and its*, 615
- Ethics, Professional*, 612
- Ethnographical Material from North America in Swiss Collections*, 465
- Ethnology, Bureau of American, *Bulletin of*, 305
- Ethnology of the Gros Ventre*, 467
- Evans, Frank, article by, 464
- Evans, Hiram K., 637
- Evans, Nelson W., article by, 317
- Evans, R. M., delegate to Convention, 223
- Evermann, Barton Warren, book by, 619
- Evolution of a Lament, The*, 631
- Fairbanks, Arthur, book by, 309
- Fairchild, H. P., article by, 118
- Fairlie, John A., article by, 469
- Fairs, law relative to sale of liquor at, 341, 512
- Fales, Joseph T., candidate for Auditor, 49, 177
- Family Register*, reference to, by Governor Chambers, 248, 279
- Farner, W. H., 224
- Farnham, V. G., vote received by, 564
- Farrand, Max, article by, 118, 139, 322, 469
- Faunce, W. H. P., article by, 615
- Fayette, 96
- Fayette County, establishment of, 387; size of, 388, 389; reference to, 389, 392; boundaries of, 410; facts concerning, 436, 439; effect of prohibitory law in, 561
- Faxon, Frederick Winthrop, book compiled by, 640
- Febiger, Elizabeth, 285
- Federal Convention, George Washington in the*, 118
- Federal Convention, The Records of the*, 139
- Federal Institutions, Comparative*, 118
- Federal Regulation of Industry*, 613
- Federal Treaties and State Laws*, 130
- Felkner, Henry, member of central committee, 26
- Fellows, Stephen N., oil portrait of, 497; obituary notice of, 499; clause in Republican platform due to, 537; open

- letters by, 569; biographical sketch of, 617  
 Fenton, William D., address by, 154; article by, 484  
*Ferns, Struggle and Life-History of*, 619  
*Fessenden, William Pitt*, 484  
 Fewkes, J. Walter, monograph by, 304  
 Field, A. G., sketch of life of, 310  
 Field, H. H., 148  
*Filipino People, The Progress of the*, 463  
 Fillmore, Millard, 231, 232, 233; vote for, in Iowa, 234  
*Fillmore, Millard, Papers*, 320  
 Filson, John, map made by, 614  
 Filson Club, publication of, 629  
*Finance, American, Development of*, 121  
*Finance, Current*, 130  
*Financial Crisis, The Lessons of the*, 466  
 Finch, D. O., candidate for elector, 223  
*First Iowa Infantry, The Lyon Campaign in Missouri. Being a History of the*, by E. F. Ware, by E. H. DOWNEY, 106  
 Fish, Carl Russell, paper by, 143, 458  
 Fisher, George P., papers of, 299  
*Fisher, Hendrick*, 315  
 Fisher, Maturin L., nominated for Superintendent, 237  
*Fishes of Alaska*, 619  
 Fitzpatrick, T. J., 472  
 Flathead Indians, journey of, to St. Louis, 631  
 Fleming, F. P., article by, 631  
 Fleming, Walter L., biography by, 159  
 Fleming, Wm. H., 366  
 Fletcher, J. E., candidate for elector, 196  
 Flom, George Tobias, book by, 619  
*Florida Historical Society, Publications of the*, contents of, 631  
 Flour Mill, Roller, Invention of, 143, 458  
 Floyd, Charles, sketch of life of, 312  
 Floyd County, 410; establishment of, 418; boundaries of, 419, 427; facts concerning, 436; effect of prohibitory law in, 562  
 Foley, John, 10  
 Folsom, Gilman, 224  
 Folwell, W. W., address by, 323  
*Foot Ball and Hand Ball, Universal*, 619  
 Ford, Worthington C., edition of Journals of Continental Congress edited by, 116, 610; appointment of, to committee, 141  
 Forkner, State of Iowa *vs.*, 601  
 Forman, Betty, cruel treatment of, 251; marriage of, 251; reference to, 274  
 Forman, David, career of, in Revolution, 250, 251  
 Forman, Ezekiel, 251, 254  
 Forman, John Samuel, reference to, 251; marriage of, 285  
 Forman, Joseph, son of "Uncle Josey", 251  
 Forman, Joseph (Uncle Josey), family of, 250, 251; death of, 252  
 Forman, Thomas, 251  
 Forman cemetery, 285  
*Forsythe, The Honorable Matthew*, 300  
 Fort Armstrong, marking of site of, 155  
 Fort Boonesborough, monument on site of, 331  
 Fort Des Moines, 406  
 Fort Dodge, attack upon ex-Governor Carpenter at, 547; reference to, 570; former name of, 621  
 Fort Donelson, Grannis at siege of, 98; battle of, 101  
*Fort Dunlap, Indian Attack Upon*, 482  
 Fort Henry, Twelfth Iowa at, 98; battle of, 101  
 Fort Laramie, caravans passing through, 189  
 Fort Madison, historical article on, 475; hundredth anniversary of, 636, 640; book kept by old settlers of, 638  
 Fort Malden, 266, 267  
 Fort Meigs, attack on, 267  
 Fort Pierre, marking of site of, 489  
 Fort Sully, marking of site of, 489  
 Foster, J. Ellen, 366; amendment idea announced by, 503, 504  
 Fothergill, Gerald, article by, 478  
 Foulke, William Dudley, address by, 143  
*Founder, The*, 143  
 Fowke, Gerard, article by, 485  
 Fox County, establishment of, 418; boundaries of, 418; change of name of, 424; facts concerning, 439  
*Fox Indian Wars in Wisconsin*, 142  
 Fox Indians, Sac and, treaty with, 32, 379, 396, 397; cession by, 387  
*Fox Indians During French Régime*, 457  
*France, M. Anatole, on Jeanne d'Arc*, 609  
*France, Separation of Church and State in*, 611  
*France in North Africa*, 612  
 Frank, Henry, 333  
 Franklin, Benjamin, 493  
 Franklin County, establishment of, 417; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 562  
*Franklin County, Kentucky*, 136, 314, 624  
 Fraser, G. M., article by, 297  
 Fredericktown, 274  
*Fredyffrin, Presbyterian Congregation in*, 482  
 Free Soil Convention, 180, 188

## 660 IOWA JOURNAL OF HISTORY AND POLITICS

- Free Soil party, decline and defeat of, 187; attitude of, toward Cass and Taylor, 188; repellant forces within, 188
- Free Soilers, union of Whigs and, 209; reference to, 212
- Free State Legislature of Kansas Territory, fiftieth anniversary of first, 140
- Freedmen, Grant, Lincoln, and the*, by John Eaton and Ethel Osgood Mason, by DAN ELBERT CLARK, 288
- Freeman, Daniel, the first homesteader, 475
- Freeport (Illinois), celebration at, 498
- Frelinghuysen, Frederick T., 37
- Fremont, John C., 231, 232, 233; opposition to, 233; vote for, in Iowa, 234
- Fremont County, establishment of, 411, 416; boundaries of, 416; reference to, 416; facts concerning, 436; effect of prohibitory law in, 562
- French, Alice, book by, 131
- French and Indian War, Documents Relating to*, 317
- French manuscripts, transcription of, 497, 498
- French Universities, Americans in*, 124
- Friederici, Georg, article by, 120
- Friend Proposition, 65
- Frissell, A. S., 466
- Fronsac, Viscount de, article by, 300
- Fugitive Slave Case West of the Mississippi River, An Early*, by JOHN C. PARISH, 88
- Fugitive slave laws, 91
- Fugitive slaves, laws of Iowa concerning, 91
- Fullenwider, Samuel, vote of, 165, 166
- Fuller, Melville W., opinion of, 579, 580
- Fulton, Alexander R., article on, 476
- Fur trade, early, article on, 111
- Gadsby, George M., article by, 483
- Gage, Lyman J., 466
- Galbreath, C. B., report by, 143
- Gales, Joseph, 322
- Galesburg (Illinois), celebration at, 498
- Galland, Washington, sketch of life of, 475
- Galvin, John M., 146, 147
- Garden, Robert I., book by, 619
- Garden Grove, settlement of, 325
- Garden Grove After the First Colony*, 488
- Garland, Hamlin, books by, 130
- Garner, James W., article by, 463
- Garton, Samuel B., sketch of life of, 310
- Garver, Frank Harmon, bibliography of county histories by, 153; return of, to Morningside College, 494; reference to, 500, 637; reminiscences edited by, 630
- GARVER, FRANK HARMON, *Fordham's Personal Narrative of Travels*, by Frederic Austin Ogg, 292; *History of the Establishment of Counties in Iowa*, 375; *The English Settlement in the Illinois*, by Edwin Erle Sparks, 113
- Gatch local option bill, 589
- Gates, Merrill E., address by, 300
- Gear, John H., 368, 507; election of, 370, 508; biographical sketch of, 476; opposition to, by Prohibitionists, 505
- Geebrieh vs. The State of Iowa, 85
- Gehon, Francis, campaign of, for position of Delegate to Congress, 12; vote for, 12; president of Democratic meeting, 25
- General Assembly, liquor legislation by First, 56, 57; petitions to, 62, 63, 64, 344, 351
- Genthe, Martha Krug, article by, 117
- Geographic Environment, Influences of*, 298
- Geographic Location as Factor in History*, 298
- Geographical Society, American, Bulletin of the*, contents of, 117, 298, 461, 462
- Geographical Society of the Pacific, Transactions and Proceedings of*, contents of, 615
- George, James Z., portrait of, 323
- George, Thomas, sketch of life of, 621
- Georgetown College, Letters from Archives of*, 479
- Georgia, Loyalists from, in Jamaica*, 629
- Germans, 526; Amendment opposed by, 527
- German-American Annals*, articles in, 134, 135, 316, 627
- German Americana, Bibliography of*, 135
- German Archives as Sources of History*, 316
- Gerrymander, Rise and Development of*, 116
- Getchel, Mr., temperance lectures by, 371
- Gibson, Isaac T., nominated for Governor, 585; reference to, 594
- Gilder, Robert F., 306
- Gillaspy, George, 186; candidate for Treasurer of Board of Public Works, 191; delegate to Democratic National Convention, 196
- Gilman, Charlotte Perkins, article by, 611
- Given, Josiah, sketch of life of, 311
- Given, Welker, liquor law advocated by, 596, 598
- Glasgow, The Bishops of*, 297, 610
- Glasson, William H., book review by, 463
- Gnadenhutzen, The Tragedy of*, 470
- Gniffke, F. A., sketch of life of, 621, 622
- Goddard, P. E., 125

- Gold Seeker, Memoirs of a*, 299  
*Golden Fleece, The Order of the*, 609  
 Golliday, A. M., sketch of life of, 476  
*Good Intent, The Case of the*, 628  
 Good Templars, activities of, 340  
 Goodrell, Stewart, 166; sketch of life of, 311  
 Goodwin, Frank P., 489  
 Goodyear, Lloyd E., book by, 619  
 Goodyear, S. H., book by, 619  
 Gordon, George A., 629  
 Governments, territorial, history of, 3  
 Governor, salary of, 24; Iowa's second Territorial, 621  
 Graham, George W., 323  
 Graham, Thomas W., book by, 619  
*Grand Lodge of Iowa, Organization of*, 472  
 Grand River, 415  
 Grannis, Henry J., career of, 96-102; member of University Recruits, 96; choice of, as color bearer, 97; faithfulness of, 98; bravery of, at Nashville, 99, 100; battles in which colors were borne by, 99, 100, 101; character of, 101, 102  
 Grant, James, attitude of, toward banks, 37; reference to, 213; President of Democratic State Convention, 223; candidate for elector, 223  
 Grant, Ulysses S., letters from, 476  
*Grant, Lincoln, and the Freedmen*, by John Eaton and Ethel Osgood Mason, by DAN ELBERT CLARK, 288  
 Great Britain, war between United States and, 264  
*Great Plains, The*, 124, 130; review of, 295  
*Greek Renaissance in Italy, The*, 322  
 Greeley, Horace, 227, 235  
 Green, E. B., address by, 324  
 Green, James, paper by, 625  
 Green, J. A., 152  
 Green, Thomas E., oration by, 307, 309  
 Greenbackers, growing strength of, 369; attitude of, toward liquor problem, 369, 506; amendment supported by, 514; prohibition favored by, 537; fusion of Democrats and, 550  
 Green, Evarts B., appointment of, to committee, 141; report by, 141  
 Greene, George, candidate for Judge, 165; election of, 185  
 Greene County, establishment of, 418; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 562  
 Greenup, Christopher, portrait of, 323  
 Greenwood, William, books by, 619  
 Gregory, Charles Noble, *Samuel Freeman Miller*, by H. M. TOWNER, 103; reference to, 130  
 Greve, Charles T., 489  
 Griffin, Appleton P. C., reference lists by, 612  
 Griffin, Martin, I. J., article by, 461; letters edited by, 479  
 Griffith, Elmer C., monograph by, 116  
 Grimes, James W., candidate for Governor, 69, 206; attitude of, toward liquor legislation, 69, 70; attitude of Prohibitionists toward, 70; election of, as Governor, 70, 210; recommendation of, 72, 73; prohibitory law approved by, 75; champion of anti-slavery, 208; reference to, 210, 484; election of, declared illegal, 223; attitude of, toward Kansas question, 234; revision of Constitution favored by, 238; proclamation of, 244  
 Grimes County, attempt to establish, 433; reference to, 434; facts concerning, 439  
*Grinnell Review, The*, articles in, 307, 471  
*Gros Ventre, Ethnology of the*, 467  
 Grosse Ile, papers on, 111  
 Grover, Frank R., paper by, 134  
 Grundy County, establishment of, 417; boundaries of, 420, 434, 435; facts concerning, 436; effect of prohibitory law in, 562  
 Grupe, N. P., sketch of life of, 312  
 Guadalupe Hidalgo, treaty of, 179  
 Guelich, Theodore, 199, 202, 205  
 Guerlac, Othon, article by, 611  
 Guthrie, William D., article by, 298  
 Guthrie County, 416, 425; establishment of, 418; boundaries of, 419, 421, 423; facts concerning, 436; effect of prohibitory law in, 562  
 Haddock, George C., murder of, 558  
 Hagerstown (Maryland), 283  
 Hague Conference, Second, articles on, 299, 306, 463  
 Haines, Charles G., article by, 306  
 Hale, John P., 194, 235  
 Half-breed Tract, 402  
*Hall, James, The Writings of*, 324  
 Hall, Augustus, candidate for elector, 196; election of, 210; reference to, 217; speech by, 225, 226; letter of, 229; defeat of, 230  
 Hall, John C., attitude of, toward banks, 36, 37; reference to, 166, 191; poll book in possession of, 183; attorney for Thompson, 183; president of Democratic State Convention, 186; candidate for elector, 223; resolutions by, 237; series of letters by, 240



## 662 IOWA JOURNAL OF HISTORY AND POLITICS

- Hall, Mrs. (Barbara Bowie), marriage of, to Ignatius Taylor, 264
- Hall, Thomas B., 275
- Hall, relatives of Hannah Taylor named, 275
- Hamilton, Alexander, and his Ancestry*, 120
- Hamilton, Alexander, the Foreigner*, 617
- Hamilton, Henry E., paper by, 481
- Hamilton, J. S., speech by, 229
- Hamilton County, establishment of, 428; facts concerning, 436; effect of prohibitory law in, 562
- Hancock, G. D., article by, 610
- Hancock County, establishment of, 418; boundaries of, 418; facts concerning, 436; effect of prohibitory law in, 562
- Haney, Lewis H., book by, 473, 474
- Hanna, Hugh Sisson, monograph by, 301
- Happy Habit*, 618
- Hardin, Leisy *vs.*, 580
- Hardin County, establishment of, 417; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 562
- Harding, Samuel B., discussion by, 143; reference to, 489
- Harl, Charles M., 147
- Harl, Mrs. Charles M., 148
- Harlan, Edgar R., 144, 490; *Journal of Oregon Trail* edited by, 321; appointed Acting Curator of Historical Department, 331; remarks by, 491
- Harlan, James, candidate for Superintendent of Public Instruction, 171; speech-making campaign by, 172; election of, 172; duties of Superintendent assumed by, 174; announcement of candidacy of, 174; vote for, 175; account of campaign kept by, 175; misspelling of name of, 175, 176; defeat of, 176; contest over election of, as Senator, 212-215; candidate for Senator, 212; opposition of Democrats to, 212; elected Senator, 213; election of, charged as illegal, 223; speech by, 225
- Harn, George U., article by, 628
- Harpers Family Library*, 277
- Harrington, Leon W., compilation by, 628
- Harris, Andrew L., speech of, 627
- Harris, Fred, article by, 310
- Harris, Joseph S., article by, 482
- Harris, Pleasant, member of central committee, 26
- Harrison, William Henry, choice of, by Whigs, 13; Robert Lucas removed by, 17; appointment of John Chambers by, 17; alarm caused by election of, 17; death of, 17, 273; reference to, 112; in command of western army, 265, 266, 267, 268, 269, 270; offers staff position to John Chambers, 268; report by, of Battle of the Thames, 269, 270, 282; campaign of, for President, 271; efforts of, to give position to John Chambers, 272, 282
- Harrison County, 416; establishment of, 418; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 562
- Harrison's Great Speech at Ft. Meigs*, 483
- Harsh, Mrs. Nancy, sketch of life of, 620
- Hart, Albert Bushnell, article by, 322; address by, 326, 627; reference to, 469; book by, 610
- Hart, Francis R., article by, 121
- Hartford Convention, 18
- Harvey, Charles M., article by, 137
- Harvey, J. A., joint resolution for, prohibition amendment introduced by, 509, 510; counsel in Amendment case, 530; application of, for writ of mandamus, 584
- Hastings, S. C., candidate for Judge, 165
- Hatcher, Mattie Austin, article by, 480
- Haverhill Inscriptions*, 313
- Hayburn Case, The First*, 322
- Hayes, John, Jr., 224
- Hayes, Walter I., case decided by, 529; nominated for Judge of Supreme Court, 536; reference to, 539
- Hazard, T. L., 637
- Head, Adress Adaline, 139
- Heater, George W., 640
- Hebard, Alfred, 166
- Hedge, Thomas, 152, 484
- Hedges, Joseph E., address by, 154
- Hedrick, sixtieth anniversary of founding of, 623
- Heightshoe, Agnes, 637
- Helm, John L., portrait of, 323
- Hempstead, Stephen, member of Constitutional Convention, 36; minority report concerning banks presented by, 36; opposition of, to banks, 36, 37; attitude of, toward liquor problem, 65, 200; candidate for Representative, 71; recommendation of, in favor of license law, 72; mention of, for senatorship, 170; reference to, 180; nominated for Governor, 191; election of, 192; inaugural address of, 195; attitude of, toward change in Constitution, 202, 238; bill vetoed by, 203; defeat of, 210
- Hendershott, H. B., 224

- Henderson, Charles Richmond, article by, 611
- Henderson, David B., first lieutenant of University Recruits, 96; speech of, 536
- Henderson, T. F., article by, 297
- Henderson, William H., 192
- Hendricks, Joel E., sketch of life of, 475
- Henn, Bernhart, candidate for Congressman, 190; election of, 192, 197; speech of, 208; reference to, 213; resolution by, 223; delegate to Democratic National Convention, 223
- Henry, Dr. William, 284
- Henry County, establishment of, 383; boundaries of, 385, 390, 396; reference to, 392; territory taken from, 393, 394, 396; facts concerning, 437; effect of prohibitory law in, 562
- Hensel, W. U., article by, 481
- Heraldry, Origin and Antiquity of*, 300, 614
- Herbermann, Charles G., article by, 316
- Herndon Gas Boom, history of, 131
- Herrick, Mrs. R. F., article by, 615
- Herriott, F. I., article by, 128, 631
- Herrmann, Richard, article by, 304
- Hess, Ralph H., article by, 122
- Hestwood, James Finley, sketch of life of, 312
- Heydrick, Professor, article by, 135
- Higbee, James, sketch of life of, 132
- Hildt, John C., article by, 463
- Hill, David Jayne, address by, 299
- Hill, Henry W., 324
- Hill, James J., 484
- Hill, Koehler & Lange *vs.* case of, 529, 533, 534, 535; petition for rehearing of case of, 533
- Hillsboro, (Ohio), 358
- Hines, George H., article by, 483
- Hinke, Wm. J., article by, 315
- Hinkle, Frederick, report by, 143
- Hintrager, William, sketch of life of, 623
- Historian, The Task of the*, 472
- Historian's Calling, The*, 308
- Historical Agencies of the Mississippi Valley*, 491
- Historical Association, American, annual meeting of, 189, 140
- Historical Department of Iowa, appointment of Acting Curator of, 331; excavation of mound by, 489, 490; collection of letters in, 621; oil portraits in, 621, 639
- Historical Magazine, American*, articles in, 119, 120, 469, 614
- Historical Museums, Scientific Organization of*, 142
- Historical Review, The American*, articles in, 138, 322, 632
- Historical Societies, publications of, 133, 313, 478, 624; activities of, 139, 323, 485, 633
- History, American, Writings on*, 466
- History, Economics and Public Law, Studies in* (Columbia University), articles in, 297
- History and Principles of the Democratic Party of Iowa, 1846-1857, The*, by LOUIS PELZER, 163
- History and Principles of the Democratic Party of the Territory of Iowa, The*, by LOUIS PELZER, 3
- Hitchcock, General Ethan Allen, 481
- Hobart, C. W., 227
- Hockett, Homer C., article by, 481
- Hoffman, Frederick, article by, 609
- Hole in the wall, saloon replaced by, 556; explanation of, 558
- Holland, Mrs. Lovisy, sketch of life of, 312
- Hollanders, descendants of, 256
- Holman, Frederick V., address by, 154, 483
- Holmes, Robert, candidate for Treasurer, 176
- Hoofstittler, Mr., temperance lectures by, 372
- Hooper, John H., article by, 624
- Hooper, Osman C., article by, 138
- Horace, The Greatest of Lyric Poets*, 619
- Horack, F. E., 494
- Horack, H. C., 494
- Horn, Hosea B., defeat of, 197
- Hornblower, William B., article by, 116
- Horseshoe Bend, Relic of Battle of*, 307
- Horwill, Herbert, article by, 463
- Hoskins, J. C. C., article by, 312; reference to, 486; address by, 486
- Hoskins, S. B., 486; address by, 486
- Hough, Emerson, book by, 730
- Hough, Walter, monograph by, 468
- House of Lords, The Problem of the*, 463
- Houston, D. F., article by, 629
- Howard, Don Carlos, Instructions to*, 485
- Howard, George E., book by, 118
- Howard County, establishment of, 418; boundaries of, 419, 427; facts concerning, 437; effect of prohibitory law in, 562
- Howe, Mrs. H. J., 326, 494
- Howe, Samuel L., vote for, 175, 178; paper published by, 187; reference to, 200
- Howe, Samuel S. (See Samuel L. Howe)
- Howe, Samuel Storrs, 234
- Hrdlicka, Ales, monograph by, 305

## 664 IOWA JOURNAL OF HISTORY AND POLITICS

- Hubbard, Gurdon Saltonstall, *Biographical Sketch of*, 481
- Hubbard, Joseph W., book by, 130; appreciation of, 307
- Hubbell, William, nomination of, 46
- Hühner, Leon, article by, 318
- Hudson, *Reclaiming*, 470
- Hudson Bay Company, documents of, 632
- Hudson Bay Company, *Old Letters from*, 135
- Hulbert, Archer B., 489
- Huling, Elizabeth Bullock, *a Texas Pioneer*, 133
- Hulitt, Samuel, 6
- Hull, William, surrender of, 265
- Humane Society, Iowa, *Annual Report of*, 617
- Humboldt Bay, Discovery of, 314, 478
- Humboldt County, establishment of, 418, 428; blotting out of, 419; restoration of, 419; reference to, 427; decision of Supreme Court concerning, 429; facts concerning, 437, 438; effect of prohibitory law in, 562
- Humboldt County (see Humboldt County)
- Humphries, Ansel, president of Convention, 191
- Huner, Jacob, 165
- Hunkers, 212
- Hunt, C. J., article by, 308
- Hunt, Gaillard, letters contributed by, 322, 323
- Hurd, Charles E., article by, 314
- Hus, Henri, book by, 308
- Hutchinson, Woods, 333
- Hutson, William Maine, article by, 625
- Hvittramanna-Land, The Tradition of*, 614
- Hyde, Orson, letter from, 182
- Iceland: Its History and Inhabitants*, 120
- Ida County, establishment of, 418; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 562
- Illinois, marking of historic sites in, 155; migration from, 220; reference to, 275, 276; Indian land cession in, 413; celebration of Lincoln-Douglas debates in, 498
- Illinois, Settlement of, 1778-1830*, 481
- Illinois, The English Settlement in the*, by Edwin Erle Sparks, by F. H. GARVER, 113
- Illinois State Historical Library, death of trustee of, 496
- Illinois State Historical Society, annual meeting of, 324; *Journal of*, 479; death of founder of, 496; celebration suggested by, 498
- Immigration, influence of Statehood upon, 23
- Immigrants, Distribution of*, 118
- Impeachment, The Law of*, 464
- Inchaffray, The Abbey of*, 610
- Indian Agent, Recollections of an*, 319, 483
- Indian Land Cessions, 439, 440
- Indian Massacre in Gadsden County*, 631
- Indian Pictographs near Sioux City*, 486
- Indian Place-names in Maryland*, 318
- Indian Rights Association, Report of*, 468
- Indian Schools, Report of Superintendent of*, 468
- Indian Writings*, 615
- Indiana, 20; emigration from, 220; General Harrison Governor of, 265; Territory of, formation of counties in, 377, 378; act creating Territory of, 383
- Indiana, Northwest Corner of, in 1834*, 626
- Indiana, The Autocrat of*, 143
- Indiana Archives and History*, 626
- Indiana Quarterly Magazine of History, The*, articles in, 626
- Indians, in Louisiana Purchase, 89; exhibition of photographs of, 636
- Indians of California, The Religion of*, 125
- Individualism and Social Progress*, 615
- Industry, Federal Regulation of*, 613
- Initiative, The*, 122
- Insurance, Industrial*, 611
- Insurrection in the Short Hills in 1838*, 315
- International Bureau of the American Republics, Bulletin of the*, contents of, 462
- International Conciliation, American Branch Association for, 609
- International Distillery, establishment of, 517; Pearson *vs.*, 559; injunction against, 559, 560; closing of, 560
- International Law, Sanction of*, 609
- Investment Securities, Bonds as*, 117
- Iowa, sources of political history of, 3; evolution of political ideas and methods in, 3; beginning of political parties in, 3; political history of, 1836-1846, 3; relation of political parties to question of admission of, 15; act of Congress for admission of, 39; dispute over boundaries of, 39, 40; organization and work of Sons of Temperance in, 57-59; Santo et al. *vs.*, 78; Geebrick *vs.*, 85; relation of, to Territories of Michigan and Wisconsin, 89; first presidential election in, 180; Free Soil elements in, 180, 181; vote for President in 1848 in, 181; first



- contested election from, in Congress, 181; "yellow mania" in, 189; presidential campaign of 1852 in, 198; temperance agitation in, 199, 200; history of American party in, 218; emigration from, 220; attitude of, toward struggle in Kansas, 220; influence of Kansas question upon politics of, 226-228; Kansas Central Committee of, 226, 227; emigration route through, 227; discussion of question of banks in, 238, 239; adoption of present Constitution of, 244; storm and stress period of, 244; influence of National events upon politics of, 245; corruption in political history of, 246; map of, 392; admission of, 393, 407; Pottawattamie reservation in, 413, 414; Indian land cessions in, 439, 440; first house in southern, 477; first trial of primary law in, 496; manner of amending Constitution in, 508; prohibition tried in, 541; number of liquor dealers in, 571, 572; petitions to Congress from, 580; State of, *vs.* Forkner, 601; experience of, in liquor legislation, 603
- Iowa, Dedication of Monuments Erected by the State of*, by ALONZO ABERNETHY, by JOHN CARL PARISH, 458; reference to, 474
- Iowa, History of the Establishment of Counties in*, by FRANK HARMON GARVER, 375
- Iowa, Territory of*, act establishing, 9, 89; effect of presidential campaign of 1840 upon, 13; act of legislature of, concerning formation of State government, 16; effect of spoils system upon politics of, 16; revenue derived from sale of public lands in, 22; increase in population of, 22; formation of Clay clubs in, 30; development of political parties in, 52; supremacy of Democrats in, 53; temperance movement in, 55; Supreme Court of, 89; jurisdiction of, 90; law of, concerning blacks, 91, 92; appointment of John Chambers as Governor of, 272; formation of counties in, 393-407; establishment and area of, 393; Organic Act of, 393; characteristics of liquor legislation in, 603
- Iowa, Territory of, Delegates to Congress from*, 497
- Iowa, The History and Principles of the Democratic Party of the Territory of*, by LOUIS PELZER, 3
- Iowa, The History of Liquor Legislation in*, by DAN ELBERT CLARK, 55, 339, 503
- Iowa, The Part of, in the Organization of Nebraska*, 325
- Iowa, The State Historical Society of*, items concerning, 151, 152, 328-330, 494, 495, 636; officers of, 494
- Iowa, 1846-1857, The History and Principles of the Democratic Party of*, by LOUIS PELZER, 163
- Iowa and the First Nomination of Abraham Lincoln*, 128, 631
- Iowa Attorneys, Directory of*, 127
- Iowa authors, some recent publications by, 129, 308, 474, 618
- Iowa Band, Ephraim Adams and, 156
- Iowa Band, The*, 471
- Iowa Bankers' Association, annual meeting of, 617
- Iowa Baptist Schools, A History of*, by ALONZO ABERNETHY, by DAN ELBERT CLARK, 107
- Iowa Biographical Series*, books in, 494, 495
- Iowa City, Democratic Convention at, 18, 25, 27, 28, 42, 49; debates between Dodge and Wallace at, 29; celebration of election of Polk and Dallas at, 37, 38; convention of Whigs at, 43, 69; State Temperance Convention at, 66, 68; Democratic celebration at, 167; convention of Free Soilers at, 181; meeting of liquor dealers at, 515; resistance to enforcement of prohibitory law in, 544, 545
- Iowa City Republican*, historical material in, 638, 639
- Iowa country, status of, from 1821 to 1834, 379, 380
- Iowa County, establishment of, 397; facts concerning, 437; effect of prohibitory law in, 562
- Iowa County (Wisconsin), establishment of, 381
- Iowa District, area of, 4; population of, 4; first census of, 4; first election in, 4; second political contest in, 7; difficulty of administering laws in, 7; desire of people of, for a separate Territory, 8; political activity in, in 1838, 9; reference to, 381
- Iowa Library Commission, Third Report of*, 128
- Iowa Society of New York, social reception and banquet of, 333, 475
- Iowa Soldiers, Roster of, provision for publication of, 156, 157; official board for publication of, 157, 158
- Iowa Tax Revision Association, meeting of, 332



## 666 IOWA JOURNAL OF HISTORY AND POLITICS

- Iowa Troops in Missouri, Report on Operations of*, 484
- Iowana, 127, 307, 471, 616
- Ireland, ancestors of Governor John Chambers in, 249; migration from, 250
- Iron money, article on use of, 111
- Irvin, Brownson and, John Chambers clerks in store of, 256
- Irvin, Mr., marriage of, to Betty Forman, 251
- Isbell, Norman W., opinion of, on prohibitory law, 78, 79; elected Judge, 213
- Jackson, Andrew, 5, 52, 112; financial policy of, 31; influence of, upon early Iowa politics, 53; eulogy to, 167
- Jackson, Frank D., election of, 594; attitude of, toward prohibition, 597; facts concerning operation of mulct law presented by, 601
- Jackson, Fred Schuyler, address by, 615
- Jackson, battles of, 101
- Jackson County, establishment of, 387; boundaries of, 388; facts concerning, 437; effect of prohibitory law in, 562
- Jackson County, Iowa, Annals of*, 625
- Jacob, T., establishment of, for transcription of French manuscripts, 498
- Jacob the Heel-grasper*, 620
- James, Dr. Edwin, biographical sketch of, 128
- James, James Alton, paper by, 143
- Jameson, J. Franklin, appointment of, to committee, 141, address by, 322
- Jamestown Exposition, manuscript exhibit at, 299
- Janus in Modern Life*, 119
- Japanese History*, 482
- Japanese Immigration*, 305
- Jasper County, establishment of, 404; boundaries of, 404, 405; reference to, 408; facts concerning, 437; effect of prohibitory law in, 562
- Jeanne d'Arc, M. Anatole France on*, 610
- Jefferson, Thomas, 493
- Jefferson City, The Archives at*, 630
- Jefferson County, territory added to, 394; establishment of, 394; boundaries of, 396, 400, 401, 434, 435; facts concerning, 437; effect of prohibitory law in, 562
- Jefferson County (Missouri), Historic Landmarks of*, 136
- Jefferson County (Missouri), Rivers of*, 481
- Jefferson County (Ohio), 252, 257, 275
- Jeffersonian Democracy, 88
- Jenks, Charles W., article by, 315
- Jernegan, Marcus W., 153; work of, in archives, 466
- Jessup, Elias, nominated for Governor, 370; charge against, 370; vote for, 370; reference to, 598
- Jewett, William K., address by, 144
- Jewish Colony in Western Guiana*, 318
- Johns Hopkins University Studies in Historical and Political Science*, contents of, 301, 464, 611
- Johnson, Allen, book by, 474
- Johnson, Alvin S., discussion by, 463
- Johnson, C. T., article by, 135, 631
- Johnson, Ed., 191
- Johnson, Emory R., article by, 461
- Johnson, George J., speech by, 498
- Johnson, John Albert, address by, 615
- Johnson, L. F., article by, 136, 314, 624
- Johnson, Richard M., 5
- Johnson, Willis Fletcher, article by, 121
- Johnson County, vote on Statehood in, 27; establishment of, 387; boundaries of, 389, 402; territory added to, 391; reference to, 392, 393; territory lost by, 396; facts concerning, 437; effect of prohibitory law in, 562
- Johnson County, Iowa, Proceedings of Old Settlers' Association of*, 616
- Johnson County, Kansas, Proceedings of Old Settlers' Association of*, 313
- Johnston, James R., article by, 137
- Johnston, J. Stoddard, article by, 624
- Johnston Family, Origin of the*, 137
- Joint Stock Limited Trading Company*, 464
- Jones, Bertram L., discussion by, 143
- Jones, Chester Lloyd, monograph by, 612
- Jones, George W., announcement of, as candidate for Delegate to Congress, 4, 8; public services of, 6; campaign between Moses Meeker and, 6; popularity of, 6; election of, 6; commendation of services of, 8; election of, as Senator, 185; speech of, 193, 194, 226; reference to, 198, 207, 217
- Jones, Lawrence M., article by, 301
- Jones, Lieutenant S. C., Reminiscences of the Twenty-Second Iowa Volunteer Infantry from the Diary of*, by E. H. DOWNEY, 287; reference to, 309
- Jones County, establishment of, 387; boundaries of, 388; facts concerning, 437; effect of prohibitory law in, 562
- Jonesboro (Illinois), celebration at, 498
- Jourdan, relatives of Margaret Taylor named, 275
- Journal of History*, articles in, 303, 472, 617
- Joyce, Robert Dwyer*, 134

- Judiciary, National, Political and Party Aspects of*, 300, 301, 614  
*Judiciary, The Function of the*, 116  
 Judson, F. N., article by, 306  
 Julian, George W., speeches of, 187  
*Justice Practice, Reference Work on*, 620
- Kanesville (Council Bluffs), Mormon settlement at, 182; election precinct organized at, 182, 183; result of elections in, 183; illegality of vote of precinct of, 184  
 Kansas, influence of, on slavery question, 163; immigration to, 220; struggle for possession of, 220-222; attitude of Democrats toward struggle in, 221; condemnation of interferences in, 223; discussion of question of, 225-229, 234-236; reign of terror in, 229; attitude of political parties toward question of, 231, 232; joint resolution concerning affairs in, 234; marking of historic sites in, 497; *Mugler vs.*, 560  
*Kansas, The First Two Years of*, 125  
*Kansas, University of, The Graduate Magazine of the*, articles in, 615  
 Kansas Central Committee of Iowa, members of, 227  
 Kansas-Nebraska Bill, 204, 215, 218; discussion of, 206-210; influence of, on Iowa politics, 210  
 Kansas State Historical Society, annual meeting of, 140  
 Kasson, John A., speech of, 536  
*Kearny, Stephen Watts, Journal of*, 485, 626  
 Keasbey, A. Q., article by, 134, 315  
 Keeler, R. W., 366  
 Kelley, J. H., 329  
 Kellogg, Louise Phelps, paper by, 142, 457; Reuben Gold Thwaites and, *The Revolution on the Upper Ohio*, by E. H. Downey, 460  
*Kelly, Hall J., Bibliography of*, 484  
*Kelsey, William*, 224  
 Kemmerer, E. W., article by, 118, 463  
 Kemper, Charles E., documents edited by, 317  
 Kennedy, Josiah F., sketch of life of, 311; reference to, 366  
 Kent, Josiah, 169  
*Kenton, Simon, A Tradition of*, 469  
 Kentucky, Iowa's political heritage from, 52; migration of Chambers family to, 255; courts in, 257; trip of Margaret Taylor to, 261; reference to, 264, 284, 285, 286; troops of, 265, 267  
*Kentucky, Prehistoric People of*, 478  
*Kentucky, The First Map of*, 614  
 Kentucky Resolution, 196  
 Kentucky State Historical Society, meeting of, 323, 490; oil portraits painted for, 634  
*Kentucky State Historical Society, Register of the*, articles in, 135, 136, 314, 478, 624  
*Kentucky-Tennessee Boundary Line*, 624  
 Keokuk, 219; trouble over prohibitory law in, 546; beer shipped to, 579  
 Keokuk County, vote in, in favor of license 57; establishment of, 387; size of, 388; jurisdiction of, 389; reference to, 392, 416; territory lost by, 396; boundaries of, 398; facts concerning, 437, 439; effect of prohibitory law in, 562  
 Keokuk's Reservation, 381  
 Keosauqua, home-coming celebration at, 622  
 Keosauqua Court House, article on, 311, 312  
 Kern, John W., boyhood of, in Iowa, 621  
 Kidd *vs.* Pearson, 560  
*Kilo*, 129  
 Kimball, Aaron, address to people by, 519  
 King, Nelson, bribery exposed by, 166  
 King, William R., 197, 203  
*King Family, The*, 119  
 Kingsley, Alpha, founding of Fort Madison by, 640, 641  
 Kinney, John F., candidate for Judge, 165; election of, 185  
 Kinsman, John N., seat of, declared vacant, 170  
 Kirkwood, Samuel J., election of, 363  
 Kishkeekosh County, establishment of, 397; name of, changed, 407; facts concerning, 439  
 Kister, Israel, candidate for Treasurer, 191  
 Kitchen, Karl K., article by, 470  
 Knapp, Jones S., sketch of life of, 132  
 Knell, Fred, 639  
 Knisely, Alvin, article by, 472, 616  
 Knott, Proctor, portrait of, 323  
 Know-Nothing party, condemnation of, 223; opposition to, 228  
 Know-Nothingism, invectives against, 217, 219; high tide of, 232  
*Knox, John, as a Man of the World*, 322  
 Koch, Louis, 637  
 Koehler & Lange *vs.* Hill, case of, 529-533, 534, 535; petition for rehearing of case of, 533  
 Kohler, Max J., article by, 318  
 Kossuth County, establishment of, 418, 431; territory added to, 419, 428; boundaries of, 427; territory taken from,

## 668 IOWA JOURNAL OF HISTORY AND POLITICS

- 428; facts concerning, 437; effect of prohibitory law in, 562  
 Kroeber, A. L., monographs by, 124, 125, 306, 467, 616  
 Krone, Charles A., article by, 485, 626  
 Kurz, Friedrich, journal kept by, 465
- Labor Contract, The*, 462  
 Labor Legislation, Association for, meeting of, 139  
*Labor War in Colorado, Preliminaries to*, 463  
*Laborers, Machinery and the*, 462  
 Lacey, John F., address by, 127  
*Lafayette, Letters from, to Henry Laurens*, 625  
 Laird, Frank R., sketch of life of, 621  
 Lake Erie, victory of Perry on, 268  
*Lake Koshkonong Region, Archaeology of*, 627  
 Lake Mohonk Conference, *Proceedings of*, 300  
 Lamb, Fred W., paper by, 479  
 Lambert, D. F., 308; article by, 472  
 Landers, Frank E., 494  
 Lane, James Henry, 227  
 Lang, Andrew, article by, 610  
*Lang, Mr., and the Casket Letters*, 297  
 Langdon, Andrew, 324  
 Lange, Koehler &, *vs.* Hill, case of, 529-533, 534, 535; petition for rehearing of case of, 533  
 Langlade, Charles, article on, 613  
 Langton, H. H., 120  
 Langworthy, Henry G., articles by, 623  
 Larrabee, William, election of, 550; reasons for choice of, for Governor, 550; attitude of, towards prohibitory law, 551, 552, 575, 576; approval of, by temperance convention, 552; ultimatum of, to violators of prohibitory law, 554, 555; praised by Prohibitionists, 555, 556; circular letter sent out by, 560; statement of, concerning working of prohibitory law, 564, 565; letters from judges to, 565, 571; letters to, 569; reference to, 578, 583  
 Larson, Lawrence M., paper by, 492  
 Lart, C. E., article by, 317  
*Lasselle's, Judge Charles B., Notes on Alice of Old Vincennes*, 626  
*Latin Course, Elementary*, 620  
*Laurens, Henry, Letters from Lafayette to*, 625  
*Law, A Century of "Judge-Made"*, 116  
*Law: Its Origin Growth and Function*, 116  
*Law Library Journal*, 303
- Lawrence (Kansas), marking of historic sites in, 497  
 Lawrie, Arch. Campbell, article by, 610  
 Lawson, Publius Virgilius, paper by, 458  
 Lazell, Frederick John, book by, 309  
 League of Iowa Municipalities, convention of, 638  
 Learned, Marion Dexter, biography by, 627  
 Lecompton Constitutions, 20  
 Lee, Betty, marriage of, to Joseph Forman, 250; cruelty of, 251  
 Lee, Henry, 274  
 Lee, Robert E., 492; letter from to Dodge, 622  
 Lee, Sarah (See Chambers, Mrs. James), marriage of James Chambers to, 250; brothers of, 274  
 Lee County, vote on Statehood in, 27; reference to, 27, 393; vote on prohibitory law in, 78; establishment of, 383; boundaries of, 384, 386, 390, 395, 396; territory added to, 393, 395; division of, 402; facts concerning, 437; effect of prohibitory law in, 562, 586; historic landmarks in, 622  
 Leech, Andrew, 166  
 Leffler, Isaac, 10  
 Leffler, Shepherd, president of Constitutional Convention, 35; efforts of, to defeat Constitution, 40; reference to, 42, 53, 364; nomination of, as delegate to Constitutional Convention, 46; candidate for Congressman, 168, 176, 229; election of, 169, 178; speech by, 184; defeat of, 230  
 Leffingwell, W. E., candidate for elector, 196  
*Legal Development, An Illustration of*, 122  
*Legal History, Select Essays in*, 116  
 Legal reminiscences, 111  
*Legislation, Methods and Conditions of*, 298  
 Legislative Assembly, importance of the first, 5; political complexion of first, 10; political patronage by, 11; act of, relating to formation of State government, 20, 46; act of, relative to calling constitutional convention, 33; act of, relative to submission of Constitution, 41  
 Legislative Reference Department, Wisconsin, description of, 118  
*Legislative Tendencies, Some Recent*, 464  
 Leisy *vs.* Hardin, 580  
 Leland, Waldo G., work of, in archives of Paris, 153, 466; guide to archives by, 466  
 Le Mars, 547  
*Lenape, The Migrations of the*, 615

- Leslie, Governor Preston H.*, 135  
*Letters from the Past*, 616  
 Leverett, William J., 148  
 Lewis, Joseph S., sketch of life of, 311  
 Lewis, Vergil A., report by, 143; article by, 482; reference to, 489  
 Lewis, Warner, reminiscences by, 481  
 Lexington (Kentucky), John Chambers in school at, 256  
 Libbey, E. D., 470  
 Libbey, O. G., paper by, 491; remarks by, 491; reference to, 492  
 Liberty Men, 181  
 Library of Congress, manuscripts in, 493  
 Library Organization, form of, 128  
 License, arguments for and against, 61  
 License law, recommendation of Hempstead in favor of, 72; petition for enactment of, 83; attempts to secure, 588, 589  
 License Law of 1849, 59  
 License Law of 1857, 83; provisions of, 84, 85; unconstitutionality of, 85; opinion of Supreme Court regarding, 85, 86  
 Lillibridge, William Otis, book by, 474  
 Limestone (Maysville), Kentucky, Chambers family reach, 280  
 Lincoln, Abraham, 112; first home of, 155  
*Lincoln, A Pictorial History of*, 300, 469, 614  
*Lincoln, Abraham, in 1854*, 324  
*Lincoln, Abraham, Iowa and the First Nomination of*, 128, 631  
*Lincoln, Abraham, on Waterways*, 304, 309, 628  
*Lincoln, Douglas, and the Nebraska Bill*, 469, 614  
*Lincoln, Grant, and the Freedmen*, by John Eaton and Ethel Osgood Mason, by DAN ELBERT CLARK, 288  
 Lincoln-Douglas Debates, celebration of semi-centennial of, 480, 498, 639  
 Lindley, Harlow, article by, 626  
 Lingley, Charles R., article by, 119  
 Linn County, establishment of, 387; boundaries of, 388; reference to, 398; facts concerning, 437; effect of prohibitory law in, 562  
*Lion's Share, The*, 131  
 Liquor dealers, number in Iowa, 571, 572  
 Liquor laws (Iowa), 55-57, 59-62, 72-75, 82-87, 340, 341, 346, 347, 352, 356, 357, 374, 511, 512, 519, 539, 541, 550, 554, 566, 567, 578, 579, 598, 599, 601, 602; petitions for enactment of, 62, 63, 64, 83, 84, 344, 351; attempts to secure, 344-346, 588, 589; maps illustrative of, 605-608  
*Liquor Legislation in Iowa, The History of*, by DAN ELBERT CLARK, 55, 339, 503  
 Liquor Policy, Iowa's traditional, 622  
 Liquor problem, views as to best means of dealing with, 61; relation of, to politics, 603  
 Litman, Simon, article by, 615  
 Liverpool, 252  
 Local history and historical societies, articles on, 142, 143, 308, 491  
 Local option, effect of, 57, 59; attempts to secure, 588, 589  
 Local option law, of 1847, 55, 56; of 1870, 351; unconstitutionality of, 353  
 Locofocos, denunciation of, 168  
 Logan, Mrs. Joseph (Sarah Chambers), marriage of, 257; reference to, 275  
 Long Island, 252  
 Longfellow Centenary, celebration, 314  
 Longmoor, W. W., report by, 143; reference to, 489  
 Loomis, Louise R., article by, 322  
 Loos, Isaac A., 494  
 Looscan, Adele B., article by, 133  
 Lopez, C. D., 496  
 Loramie, sketch of, 482  
 Loring, Arthur G., article by, 315  
 Lost Creek, 384, 386  
 Louisville (Kentucky), family of Henry Chambers at, 247  
 Lounsberry, Clement A., history by, 614  
 Love, William H., article by, 628  
 Lowden, Frank O., sketch of life of, 153; reference to, 333  
 Lowe, Enos, nomination of, as delegate to Constitutional Convention, 46; reference to, 191  
 Lowe, Ralph P., attitude of, on question of Statehood, 21; member of Constitutional Convention, 35; nomination of, for Delegate to Congress, 43; contest between Dodge and, 44; defeat of, 45, 185; reference to, 154  
 Lower Sandusky, 269  
 Lowry, William, sketch of life of, 131  
 Lozier, John H., nominated for Governor, 362; vote received by, 363; reference to, 366  
 Louisa County, establishment of, 383; boundaries of, 385, 390, 394, 396; reduction of size of, 393; facts concerning, 437; effect of prohibitory law in, 562  
 Louisiana, Purchase of, 88; portion of, left ungoverned locally, 89  
 Lucas, C. L., articles by, 307  
 Lucas, D. R., open letters by, 569



## 670 IOWA JOURNAL OF HISTORY AND POLITICS

- Lucas, Robert, political appointments by, 10; references to, 11, 53, 112; proclamation of, concerning election of Francis Gehon, 12; desire of, for Statehood, 15, 16; removal of, 17; member of Constitutional Convention, 35; attitude of, toward banks, 36; tribute to, 66; letters and papers of, donated to Historical Society, 152; biography of, 329, 483
- Lucas County, establishment of, 404; boundaries of, 404, 416, 417; facts concerning, 437; effect of prohibitory law in, 562
- Luiseno Indians, Religion of the*, 616
- Lush, Charles K., article by, 123
- Lyle, Dr. John A., 285
- Lyon Campaign in Missouri*, by E. F. Ware, by E. H. DOWNEY, 106; reference to, 131
- Lyon County, name of Buncombe County changed to, 430; facts concerning, 437, 439; effect of prohibitory law in, 562
- McArthur, General Duncan, 99
- McArthur, William C., 330
- McCarter, Margaret H., address by, 140
- Macbride, Thomas Huston, tributes to, 618
- McCarthy, Charles, 118
- McCarty, Jonathan, vote for, 165; defeat of, 166
- McCarty, Laurence, poem by, 623
- McCleary, George W., candidate for Secretary of State, 191, 196, 204, 224; election of, 192, 197, 210; reference to, 230
- McClure, W. H., 224
- McClurg, Judge, 273
- McConnellstown, death of Ignatius Taylor at, 264
- McCrory, Samuel H., member of Convention, 35
- McCullough, Delia A., article by, 119
- McCullough vs. Maryland, 31
- MacDonald, William, article by, 611
- McEvers Mounds, The*, 467
- McFarland, C. J., delegate to Convention, 223
- McFarland, R. W., article by, 627
- McFarland, Wm. M., request for copy of Constitution refused by, 584
- McGaughey, Edward W., speech by, 184
- McGregor, Alexander W., candidacy of, for Representative, 7; election of, 7
- Machinery and the Laborers*, 462
- McKay, William, 213
- McKean, G. W., 640
- Mackenzie, Alexander Slidell, John Chambers referred to by, 277
- Mackenzie River, On the*, 462
- McKinley monument, description of, 627
- McKnight, Thomas, candidate for Congressman, 168; defeat of, 169
- McKnight, W. W., sketch of life of, 311
- Mackoy, Harry B., 489
- McLain, Frank D., article by, 462
- McLean, John, papers of, 299
- McLoughlin, Doctor John, tributes to memory of, 154, 483
- McLoughlin Institute, dedication of, 154, 483
- McMahon, Edward, article by, 632
- McPherson, M. L., speech by, 236
- McPherson, Smith, 329; counsel in Amendment case, 530; petition for rehearing of Amendment case filed by, 534
- Madison, George, portrait of, 323
- Madison, James, 493
- Madison (Wisconsin), claims of, for capital of Territory of Wisconsin, 6; removal of seat of government to, 8; annual meetings at, 139
- Madison County, articles on history of, 325; establishment of, 402, 404; boundaries of, 402, 404; facts concerning, 437, 439; effect of prohibitory law in, 562
- Madison County Historical Society, program of, 325
- Madrid Historical Society, document in possession of, 634
- Madrid Register-News, articles in*, 307
- Magazine Subject-Index, The*, 640
- Magna Charta, Our*, 120
- Mahaska County, meeting of Democrats of, 39; establishment of, 397; reference to, 403; facts concerning, 437; effect of prohibitory law in, 562
- Mahoney, Dennis A., Iowa's prisoner of state, 475
- Mahood, J. W., book by, 619
- Mail, carrying of, fifty years ago, 131
- Maine Law, features of, 64; agitation for law similar to, 64-67; enactment of, 199; discussion of, 200; endorsement of, 201; reference to, 237
- Maitland, William, of Lethington, Relations of Mary Stuart with*, 297
- Malden, Fort, 266, 267
- Maldon, Our English Parent Towns, 478
- Malette, Emaline A., 488
- Manchester, temperance movement at, 358; blue ribbon movement at, 372
- Mandan Indians, article on, 491
- Mann, Charles W., paper by, 491
- Mann, Moses W., article by, 479, 624
- Manning, Calvin, speech of, 536, 537

- Manual of American History, Diplomacy, and Government*, 610
- Maple, Isaiah, pioneer wagon maker, 475
- Maps illustrative of establishment of counties in Iowa, 441-456; illustrative of liquor legislation, 605-608
- Marblehead Vital Records*, 626
- Marengo, militia company held in readiness at, 545
- Marietta War, paper on*, 487
- Marion County, establishment of, 403; boundaries of, 403, 408; facts concerning, 437; effect of prohibitory law in, 562
- Marks, C. R., 486
- Marks, William, article on, 308
- Marlborough, Mass., Colonial Records of*, 629
- Marshall, Frances, 284
- Marshall, John, Persistent Influence of*, 127
- Marshall, Orsamus H., books collected by, 633
- Marshall, S. T., charges of bribery against, 166, 167
- Marshall, Thomas, candidacy of, for Circuit Court clerkship, 259, 260
- Marshall County, third party in, 351; establishment of, 404; boundaries of, 404; facts concerning, 437; effect of prohibitory law in, 562
- Marshall County, Early Memories of*, 487
- Marshall County, Historical Society of, organization of, 326; officers of, 326; constitution of, 327, 328; program of meeting of, 487
- Marshalltown, blue ribbon jubilee at, 372; Democratic State Convention at, 528; effect of prohibitory law in, 543, 544
- Martin, Mr., partnership of Rowland Chambers and, 252; departure of, for England, 253; heirs of, 254; failure of, to transfer land, 255
- Martin, Ethyl E., 636, 637
- Martin, George W., address by, 125; reference to, 144, 145; discussion by, 491
- Martin, Harry E., article by, 470
- Martzloff, Clement L., discussion by, 143; reference to, 489
- Marxism versus Socialism*, 611
- Mary Stuart, The Relations of, with William Maitland of Lethington*, 297
- Maryland, McCullough vs., 31; Chambers family in, 254; Taylor family in, 263; trip of John Chambers to, 264; reference to, 274, 276
- Maryland, A Financial History of*, 301
- Maryland, Archives of*, 630
- Maryland, Popery in*, 613
- Maryland Gleanings in England*, 628
- Maryland Heroines, Two*, 628
- Maryland Historical Magazine*, articles in, 318, 628
- Maryland Privateers in American Revolution*, 628
- Maryland, Proceedings of the Council of*, 630
- Mason, Charles, decision of, in fugitive slave case, 93, 94, 95; mention of, for senatorship, 170; inactivity of, in campaign of 1847, 172; defeat of, 172; candidate for Superintendent, 172; attorney for Thompson, 183
- Mason, Ethel Osgood, John Eaton and, *Grant, Lincoln, and the Freedmen*, by DAN ELBERT CLARK, 288
- Mason, General, and his Letter on Railroads*, 627
- Mason, General John Thompson*, 480
- Mason, Stevens T., papers on, 111
- Mason County (Kentucky), 280
- Massachusetts, Iowa's political heritage from, 52
- Massachusetts Newspapers, Early*, 301
- Massachusetts Soldiers and Sailors of the Revolutionary War*, 297
- Matson, S. D., 197
- Matthews, Washington, monograph by, 125
- Maumee River, advance of army to, 266
- Maxwell, J. W., founder of town of Maxwell, 476
- Maysville (Kentucky), Chambers family reach, 280
- Meadford, Ye Olde Meting-House of*, 479, 624
- Meany, Edmond S., article by, 135
- Mecklenberg, The First Commission of Peace for the District of*, 316
- Mecklenberg Declaration, article on, 138; controversy over, 323
- Medford, Fifty-four Years Ago*, 314
- Medford Historical Register*, articles in, 133, 314, 479, 624
- Mediator, The*, 131
- Medical men of early days, 623
- Medical Society, Iowa State, History of*, 618
- Meeker, Ezra, Patriotic Achievement of*, 624
- Meeker, Moses, announcement of, as candidate for Delegate to Congress, 4; record and capabilities of, 6; campaign between George W. Jones and, 6; vote received by, 6, 7
- Meese, William A., pamphlet by, 304, 309; article by, 628

## 672 IOWA JOURNAL OF HISTORY AND POLITICS

- Meigs, Fort, attack on, 267  
 Merriam, Charles E., article by, 122  
 Merriam, C. Hart, article by, 307  
 Merritt, William, sketch of life of, 621  
 Metcalf, Thomas, resignation of, from Congress, 270  
 Methodism, pioneer, a story of, 620  
 Methodist convention, attitude of, toward temperance question, 354  
*Methodist Episcopal Churches, Records of Classes of*, 628  
*Mewan Stock of California*, 307  
 Mexican War, 53; history of, 153; public discussion of, 179  
 Mexico, work of Herbert E. Bolton in, 155; new historical magazine in, 496  
 Meyerholz, Charles, 152  
 Michelwaite, James, vote received by, 550  
 Michigan, relation of Territory of, to Louisiana Purchase, 88, 89; first judicial history of, 111; admission of, 382; convention to revise Constitution of, 497  
 Michigan, Territory of, jurisdiction of, 90; reference to, 92; formation of counties in, 377, 378, 380-382; Iowa county attached to, 379; act creating, 383  
*Michigan Constitutional Convention, The*, 469  
*Michigan Historical Collections*, by LOUIS PELZER, 111  
*Michigan Law Review*, reprint from, 469  
 Miller, Mr., 6  
 Miller, Daniel F., nomination of, for Congressman, 176; vote for, 178; contest between Thompson and, 181; memorial by, 184; failure of, to gain seat in Congress, 184; second nomination of, for Congressman, 190; election of, 192  
 Miller, George L., 144  
*Miller, Samuel Freeman*, by Charles Noble Gregory, by H. M. TOWNER, 103; reference to, 130, 151  
 Miller, William, nominated for elector, 181  
 Miller, William E., counsel in Amendment case, 530  
 Mills, Frederick D., efforts of, to defeat Constitution, 40  
 Mills County, 416; establishment of, 417; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 562  
*Milwaukee, The Sectional Elements in the Early History of*, 492  
*Mine Gases and Explosions*, 308  
 Miners' Bank, partisan discussion of, 31; support of, by Whigs, 31; opposition to, 32, 37  
 Minnesota, 4; early relation of, to Territories of Michigan and Wisconsin, 89; Sioux Indians in, 283  
*Minnesota Constitutional Conventions of 1857*, 323  
 Minnesota Historical Society, annual meeting of, 323  
 Minto, John, article by, 484, 624  
*Missionary, American, Political Value of the*, 116  
*Missions, Foreign, Modern Principles of*, 118  
 Mississippi, Chambers family in, 254  
*Mississippi, Surface Deposits along*, 485  
 Mississippi Association of History Teachers, organization of, 326  
 Mississippi Department of Archives and History, portrait presented to, 323; circular letter by, 492-494  
 Mississippi Historical Society, special program of, 326  
*Mississippi History, Encyclopedia of*, by Dunbar Rowland, by JOHN C. PARISH, 109  
*Mississippi Improvements and Prospects*, 301  
*Mississippi Provincial Archives*, 321  
 Mississippi River, population east of, 4; improvement of rapids of, 23, 25; acquisition of land west of, 88; lands west of, 89  
*Mississippi River, High and Low Stages of*, 462  
 Mississippi Valley, arrival of frontier at, 88  
*Mississippi Valley, Coöperation among the Historical Agencies and Activities of*, 491  
*Mississippi Valley, Study and Writing of Local History in*, 491  
*Mississippi Valley, Water-Power in the*, 301  
 Mississippi Valley Historical Association, meeting of, 139, 145, 494; organization of, 144, 145; constitution of, 145, 146; officers of, 145; proceedings of meeting of, 491, 492  
 Missouri, 20; lands north of, 89; admission of, 89, 379; negro Ralph leaves, 90; invasion of Kansas by people from, 220, 222; immigration through, 227  
*Missouri, A Bibliography of Slavery and Civil War in*, 481  
*Missouri, Old, Gl glimpses of*, 136  
*Missouri, The University of, Studies*, contents of, 461  
 Missouri Boundary, committee on, in Territorial Convention, 8; settlement of question of, 25  
 Missouri Compromise, only free child of,

- 89; fugitive slave provision in, 91; negroes free under, 92; fugitive slave clause in, 93; prohibition of slavery by, 94, 95; repeal of, 204; reference to, 206
- Missouri Compromise, Genesis of the Repeal of*, 136, 137
- Missouri Compromise, Rufus King and*, 481
- Missouri from 1849 to 1861*, 137
- Missouri Historical Society, Idress Adaline Head, chosen librarian of, 139; manuscripts acquired by, 488
- Missouri Historical Review*, articles in, 136, 137, 481, 630
- Missouri Historical Society Collections*, articles in, 484, 485, 626
- Missouri History, Early*, 136
- Missouri Intelligencer and Boon's Lick Advertiser, Selections from*, 136
- Missouri Old Settlers' Day Tales*, 630
- Missouri River, Improvement of*, 301
- Missouri State Official Publications, Bibliography of*, 630
- Mitchell, Bennett, vote received by, 594
- Mitchell, Gilbert C. R., vote for, 166
- Mitchell County, 410; establishment of, 418; boundaries of, 419, 427; facts concerning, 437; effect of prohibitory law in, 562
- Mitchellville, temperance agitation at, 364
- Miwok Indians, articles on, 306, 307
- Mobley, M., candidate for Auditor, 176
- Modern History, Factors in*, 123
- Mohawk Valley, Catholic Loyalist Highlanders of*, 613
- Molineux, Roland B., article by, 118
- Money Magic*, 130
- Monongahela country, delay of Chambers family in, 280
- Monongahela River, Chambers family reaches, 255
- Monona County, establishment of, 418; boundaries of, 419; reference to, 430; facts concerning, 437; effect of prohibitory law in, 562
- Monroe County, establishment of, 407; facts concerning, 437, 439; effect of prohibitory law in, 562
- Montana, Reading Lists on History of*, 624
- Montana State Historical and Miscellaneous Library, bulletin of, 624
- Montgomery, Mr., agreement of with slave Ralph, 90; counsel for, in Ralph case, 92
- Montgomery, Mrs. May F., 326
- Montgomery County, 416; establishment of, 417; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 562
- Monuments Erected by the State of Iowa, Dedication of*, by Alonzo Abernethy, by JOHN CARL PARISH, 458; reference to, 474
- Moore, Lewis, John Chambers clerks in store of, 256, 280
- Moore, William W., letter by, 322
- Moral Awakening in the Nation, Significance of*, 612
- Morcombe, Joseph E., pamphlet by, 472
- Morey, Colonel Israel*, 479
- Morgan, Byron L., 329
- Morgan Raid in Ohio, The*, 627
- Mormon Settlements in Missouri Valley*, 319
- Mormonism and Intoxicants*, 469, 614
- Mormons, declared not legal voters, 184
- Morris, Martin L., candidate for Treasurer, 196, 204; election of, 197, 210
- Morris, Thomas T., 621
- Morris, Mrs. Thomas T., 621
- Morrison, A. J., letters edited by, 478
- Morrow, James B., reminiscences by, 477
- Morton, Jennie C., article by, 135, 478, 624; report by, 143
- Morton, John T., 166
- Mosnat, H. R., magazine edited by, 471
- Mound, Mary Dean Vincent*, 482
- Mound-Builders of the Mississippi Valley*, 304
- Mounds of Florida and their Builders*, 138
- Mounds in Northwestern Illinois*, 470
- Mount Pleasant, regulation of liquor traffic at, 66, 67; temperance meeting at, 590
- Mowry, Don E., article by, 301, 614
- Moxley, John, sketch of life of, 476
- Mueller, H. A., paper by, 325
- Muench, Friedrich, Sketch of Life of*, 626
- Muench, Julius Thamer, article by, 626
- Mugler vs. Kansas*, 560
- Mulct law, origin of, 596; enactment of, 598; provisions of, 598, 599; early years of, 599; reception of, 600; constitutionality of, tested, 600, 601; facts concerning operation of, 601, 602; reference to, 603
- Mullican, Phoebe (See Chambers, Mrs. Rowland), marriage of Rowland Chambers and, 252; removal of, to Augusta, Kentucky, 257; return of, to Washington, 258; attitude of John Chambers toward, 258, 259; reference to, 280
- Munger, Asahel, and Wife, Diary of*, 484
- Municipal Events, A Review of*, 462
- Municipal Government in Canada*, 463
- Municipal League, National, Field of Labor of*, 609



## 674 IOWA JOURNAL OF HISTORY AND POLITICS

- Municipal Public Service Corporations*, 466
- Murphy, D. D., 637
- Murphy, Thomas D., book by, 309; reference to, 329
- Murray, Caroline, paper by, 325
- Murray, Henry, member of central committee, 26
- Murrow, David Blue, sketch of life of, 310
- Muscataine, Tippecanoe club of, 14; temperance convention at, 76; violation of prohibitory law at, 80; attempt to burn property at, 547
- Muscataine County, 27; boundaries of, 385, 389, 390, 391; territory added to, 391; reference to, 391, 392; facts concerning, 437; effect of prohibitory law in, 562
- Muscataine County Court House, article on, 131
- Musser, Don Carlos W., story by, 472
- Myers, M. M., 366
- Mystic Hall Seminary*, 624
- Mystic River Ship-Building, Earliest*, 624
- Nabuco, Ambassador, address by, 462
- Napoleon I, Study of Administrative Polity*, 633
- Napoleonic politics back of purchase of Louisiana, 88
- Nash, J. A., 508
- Nashville, Grannis at battle of, 99, 100, 101
- National Gold Banks, The*, 610
- National Spirit in America, Rise of*, 613
- Nauvoo (Illinois), meeting at, 496
- Navaho Indians, book on, 332
- Navaho Myths, Prayers and Songs*, 125
- Navarino (Wisconsin Territory), Democratic meeting at, 9
- Navies on Lake Ontario in War of 1812*, 316
- Naylor, Mrs. H. W., article by, 317
- Naylor, J. F., 640
- Naylor, John, Family of Pennsylvania*, 317
- Neal, Jairus E., speech by, 236
- Nebraska, Part of Iowa in Organization of*, 325
- Nebraska Bill (See Kansas-Nebraska Bill)
- Nebraska Bill, Douglas, Lincoln, and the*, 469, 614
- Nebraska Loess*, 306
- Nebraska State Historical Society, meeting of, 325; marking of Oregon Trail by, 485; new building of, 486
- Nebraska Territorial Pioneers' Association*, 325
- Negro, opposition to rights given to, in Constitution, 240-242
- Negro Problem, Suggestion on the*, 611
- Negro Question in the South, Recent Agitation of*, 463
- Nehalem Beach, The Wax of*, 484
- Nelson, Lieutenant David, biographical sketch of, 628
- Nelson, William, article by, 134
- Neocene Man, Occurrence of, in Gravels of Sierra Nevada*, 616
- Neutral Ground, 410, 414
- New, Daniel M., sketch of life of, 622
- New England, English Notes About Early Settlers in*, 626
- New England, The Westernization of*, 627
- New England Historic Genealogical Society, Proceedings of the*, 629
- New England Historical and Genealogical Register, The*, articles in, 315, 478, 629
- New Hampshire Historical Society, Proceedings of the*, 479
- New Haven, Why, is not a State in the Union*, 625
- New Haven Colony Historical Society, annual report of, 314; *Papers of*, 625
- New Jersey, Tories in, 250; Rowland Chambers moves to, 252, 254; Hollanders in, 256; reference to, 257; birth of John Chambers in, 280
- New Jersey, Northern, Old Maps of*, 134
- New Jersey Historical Society, Proceedings of the*, articles in, 134, 315
- New Mexico, acquisition of, 179; question of slavery in, 186, 187
- New Mexico, Historical Society of, publications of, 478
- New York, Iowa's political heritage from, 52; Rowland Chambers sent to, 250; references to, 252, 253; settlement of, 256; Rowland Chambers visits, 280
- New York, An Old Street in*, 120
- New York City, Iowa Society of, social reception and banquet of, 333
- New York's First Directory*, 316
- Newell, Robert, article on, 624
- Newspapers, recent historical items in, 131, 310, 475, 620
- Niagara, Fort, article on importance of, 614
- Niagara Peninsula, Early Churches in the*, 316
- Nickerson, W. B., article by, 304, 470
- Nicollet Boundaries, 39
- Noble, John W., address by, 154
- Nonpareil, The Daily (Council Bluffs)*, historical items in, 132
- North America, Traditions of the Earliest Visits of Foreigners to*, 629
- North Carolina, Provincial Council and Committees of Safety in*, 624

- North Carolina, Struggle for Religious Liberty in*, 318  
 North Carolina Historical Commission, article on, 134; work of, 140  
 North Dakota, 4  
*North Dakota, Popular History of*, 614  
 North Dakota, The State Historical Society of, activities of, 635  
*North Dakota Magazine*, contents of, 614  
*Northwest, Political Father of the*, 614  
*Northwest, Reading Lists on the History of*, 624  
 Northwest, Territory of, formation of counties in, 377  
 Norwegians, 526; Amendment favored by, 527  
 Noster, James, 192  
 Notes and Comment, 153, 331, 496, 638  
 Nourse, C. C., counsel in Amendment case, 530  
 Noyes, A. A., article by, 618  
  
 Obrien, John J., article by, 316  
 O'Brien, Michael, minority report by, 36  
 O'Brien County, establishment of, 418; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 563  
*Office Tatler, The*, 471  
*Ogle, Governor, Letter of*, 628  
 Ogg, Frederic Austin, Fordham's *Personal Narrative of Travels*, by F. H. GARVER, 292  
 Ohio, Iowa's political heritage from, 52; article on, 138; reference to, 252, 267, 276; temperance movement begun in, 358  
*Ohio, John Morgan Raid in*, 482  
*Ohio Archaeological and Historical Quarterly*, articles in, 138, 140, 482, 627  
*Ohio Magazine, The*, articles in, 304, 470  
*Ohio Pioneers, Political Influence of*, 483  
 Ohio River, trip down, 280  
 Ohio State Archaeological and Historical Society, activities of, 635  
 Ohio Valley Historical Association, organization of, 488  
 Ohio Valley History Conference, 143  
 Ohio Woman's Crusade, 357; beginnings of, 358; effect of, in Iowa, 359  
*Oil Trust and the Government, The*, 463  
*Oklahoma Constitution, The*, 612  
 Oklahoma Historical Society, activities of, 485, 633  
 Olathe, founding of, anniversary of, 313  
*Old and New*, article in, 617  
*Old Fort, The*, 136  
*Old Northwest Genealogical Quarterly, The*, articles in, 137, 317, 628  
  
 Oliver, Edmund Henry, article by, 120  
 Oliver, Thomas, sketch of life of, 311  
*Olympia, The State Archives at*, 632  
 Ontario Historical Society, *Annual Report of*, 313; *Papers and Records of*, 315  
*Ophthalmology, Modern*, 618  
 Oppenheim, Samuel, article by, 318  
*Orders and Proclamations for Virginia*, 317  
 Ordinance of 1787, application of, to portion of Louisiana Purchase, 88, 89; application of, to Iowa, 92  
*Ordway, Sergeant John*, 630  
 Ordway, William, sketch of life of, 132  
 Oregon, attitude of Iowa Democrats toward occupation of, 39, 42, 52  
*Oregon, Contests Over the Capital of*, 624  
*Oregon, Political Beginnings in*, 484  
*Oregon Conditions in the Fifties*, 319  
*Oregon Historical Society, The Quarterly of the*, articles in, 319, 483, 624  
*Oregon Mission of 1840, Last Survivor of*, 135  
 Oregon Pioneers' Association, meeting of, 638  
 Oregon Trail, *Journal of*, 321; marking of, 485  
*Oregon's Foremost Commonwealth Builders, Two of*, 319  
 Original package case, 579  
 Original package houses, prosperity of, 580; closing of, 581  
*Ortiz, Juan, and Uleleh, Story of*, 631  
 Osborne, B. F., 639  
 Osceola County, establishment of, 418; boundaries of, 418; small area of, 421; facts concerning, 437; effect of prohibitory law in, 563  
*Osgood, Miss Lucy, Some Letters of*, 133  
 Ostewig, Kinnie A., book by, 153  
 Otis, G. S., 329  
 Ottawa (Illinois), celebration at, 498  
 Ottawa Indians, 409  
 Ottumwa, temperance agitation at, 359; increase in number of saloons at, 548  
*Outlook for the Average Man, The*, 130  
 Owen, Thomas M., appointment of, to committee, 141; reference to, 145  
*Ownership, The Distribution of*, 297, 475  
  
*Pacific Northwest, System of Classification for History of*, 482  
 Page County, establishment of, 411, 416; boundaries of, 416; reference to, 416; facts concerning, 437; effect of prohibitory law in, 563  
 Paine, Clarence S., 144, 145, 492  
 Pais, Ettore, article by, 138  
 Palmer, A. H., nominated for elector, 223

## 676 IOWA JOURNAL OF HISTORY AND POLITICS

- Palmer, Frank W., sketch of life of, 132; death of, 154; career of, 154, 155
- Palo Alto County, establishment of, 418; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 563
- Pammel, L. H., article by, 128
- Panama Canal, Four Hundred Years of*, 121
- Panama Project, Present Status of*, 301
- Panic of 1907, article on, 298, 462, 610
- Papyrus Libbey, 470
- Pardons, criticism of Governor Boies for number of, 583
- Paren, relatives of Francis Taylor named, 275
- Paris (Kentucky), 285, 286
- Parish, John Carl, paper by, 152; reference to, 159, 335, 636; book by, 309, 329, 495, 620; leave of absence granted to, 494; visit of, to Kentucky, 495
- PARISH, JOHN C., *An Early Fugitive Slave Case West of the Mississippi River*, 88; *Encyclopedia of Mississippi History*, by Dunbar Rowland, 109; *The Autobiography of John Chambers*, 247; *The Great Plains*, by Randall Parrish, 295; *Dedication of Monuments Erected by the State of Iowa*, by Alonzo Abernethy, 458
- Parker, John, candidate for Representative, 7
- Parker, J. M., paper by, 487
- Parker, Leonard F., oil portrait of, 497
- Parliament, British, act of, concerning name Chambers, 250
- Parrish, Randall, book by, 124, 130, 309, 620
- Parrish, Randall, *The Great Plains*, by JOHN C. PARISH, 295
- Parvin, Theodore S., efforts of, to defeat Constitution, 40; reference to, 237
- Parvin Collection of Iowana, 151
- Passagium Transmarinum, Directorium ad Faciendum*, 139
- Pastorius, Francis Daniel, biography of, 134, 316, 627
- Pattee, William, candidate for Auditor, 191, 196; election of, 197
- Patteson, Robert, article by, 121
- Paul, James, candidate for Treasurer, 224
- Paul, J. Balfour, article by, 609
- Pawnee Rock, 497
- Paxton, James Alexander, 273
- Peabody, Robert E., article by, 626
- Peace, A League of*, 299
- Peace Pipe, story of, 621
- Pearson, Kidd vs., 560
- Pearson, James H., article by, 476
- Pearson vs. International Distillery, 559
- Pease, Julius W., article by, 299
- Peck, Maria Purdy, 152
- Peet, Stephen D., article by, 615
- Pella, Central University at, 108
- Pelzer, Louis, 159, 335; biography by, 329, 494, 636; paper by, 492, 494
- PELZER, LOUIS, *The History and Principles of the Democratic Party of the Territory of Iowa*, 3; *Michigan Historical Collections*, 111; *The History and Principles of the Democratic Party of Iowa 1846-1857*, 163; *Sixty Years and Other Discourses with Reminiscences*, by William Salter, 290
- Pendleton, Louis, article by, 463
- Pennsylvania, Chambers descendants in, 274
- Pennsylvania, Connecticut in*, 313
- Pennsylvania, University of, Publications of the*, contents of, 461, 612
- Pennsylvania Presbyterian President, A*, 481
- Penrose, William, sketch of life of, 312
- People's Party, attitude of, toward temperance question, 585, 593
- Peopling of the World, The*, 615
- Peoria, beer shipped from, 579
- Peosta, burial mound of, 304
- Perez, Luis M., guide by, 465
- Perkins, Charles E., sketch of life of, 131, 132, 312, 484; tribute to, 476
- Perkins, George H., article by, 136
- Perley, Sidney, article by, 315
- Perry, Mathew C., letter to, from John Chambers, 277
- Perry, Oliver Hazard, victory of, on Lake Erie, 268; message of, 269; letter from John Chambers concerning, 277
- Personal Liberty Association, formation of, 568
- Peterson, Henry J., 152, 636
- Petrie, W. M. Flinders, book by, 119
- Peyster, John Watts de*, 610
- Pharmacists, sale of liquor by, 556, 557; act regulating sale of liquor by, 567; opposition to law regulating sale of liquor by, 568, 569; modification of law regulating sale of liquor by, 578
- Pharmaceutical Alumni Association*, 127
- Pharmaceutical Association, annual meeting of, 568
- Pharmacy, act to regulate practice of, 511
- Phelps, Charles H., letter by, 565
- Phelps, Mrs. George T., 148
- Philadelphia, celebration in, 638
- Philanthropy, The Church and*, 118
- Philippines, An Agricultural Bank for*, 118

- Phillips, Martha Ann, 284  
 Phillips, Mrs., daughter of James Chambers, 259  
 Phillips, P. Lee, bibliography by, 615  
 Phillips, Ulrich B., article by, 119  
*Phonics, Exercises in*, 474  
*Piasa, The Significance of the*, 470  
 Pickard, Josiah L., retrospect by, 309; oil portrait of, 497  
 Pickawillany, sketch of, 482  
 Pickett, Charles E., 637  
 Pickett, William, conference between Warren and, 182; conference between Babbitt and, 183  
 Pierce, Franklin, 197, 199, 203, 204, 205, 217, 221; endorsement of, 223  
*Pike, Zebulon M., Papers of*, 633  
 Pilcher, James Evelyn, article by, 629  
 Pinkham, James P., 366  
*Pioneer-Indian Days in Ohio*, 471  
*Pioneer Lawmakers' Association*, proceedings of, 307  
 Pioneer legislator, reminiscences of, 310  
 Pitman, Mrs. M. F. Gray, 366  
*Plains, Life on the*, 625  
*Plains, True Tales of the*, 618  
 Pluckemin (Somerset County, New Jersey), camp of Washington at, 254  
 Plymouth Congregational Church (Des Moines), fiftieth anniversary of, 153  
 Plymouth County, establishment of, 418; boundaries of, 418; facts concerning, 437; effect of prohibitory law in, 563  
 Pocahontas County, establishment of, 418; boundaries of, 418; reference to, 428; facts concerning, 437; effect of prohibitory law in, 563  
*Point Pleasant, Battle of*, 119  
*Polish People of Portage County, The*, 143, 458  
*Political and Social Science, Annals of the American Academy of*, articles in, 117, 301, 466, 613  
*Political Parties, The Sociology of*, 462  
*Political Problems of American Development*, 130  
 Political Science Association, American, meeting of, 139, 140  
*Political Science Quarterly*, articles in, 119, 463, 611  
*Political Science Review*, articles in, 122, 123, 306, 464  
 Politics, temperance and, 67; opposition to introduction of temperance question into, 67, 68; change of attitude toward connection of temperance question with, 68; prohibition and, 1865-1867, 342; relation of liquor problem to, 603  
 Polk, James K., 37, 39, 42, 46, 52; removal of Chambers by, 45, 273, 283; praise of, 167; attitude of Iowa Democrats toward, 169  
 Polk County, pioneer preacher of, 132; establishment of, 404; boundaries of, 404, 405, 406, 408, 424, 425; reference to, 408, 434; territory added to, 409; facts concerning, 437; annual banquet of Bar Association of, 496; vote on Amendment in, 525; effect of prohibitory law in, 563  
*Polk County, Pioneers of*, 640  
 Pollard, A. F., book by, 123  
 Pollard, James, candidate for Auditor, 224  
*Polygamy in India*, 308  
*Pomo Indians, Ethno-Geography of*, 306  
 Pontiac, early days in, 111  
 Poore, Alfred, article on, 315  
 Porter, Claude R., nominated for Senator, 496  
 Porter, Valentine Mott, journal edited by, 485, 626  
 Porter, W., 237  
 Pottawattamie County (See Pottawattamie County)  
 Pottawattamie County, organization of, 412, 416; establishment of, 412, 417; boundaries of, 412-416, 418; reference to, 416, 430; attempts to divide, 433, 434; facts concerning, 437, 439; effect of prohibitory law in, 563, 586  
 Pottawattamie County Historical Society, organization of, 146; meeting of, 146, 147; officers of, 147, 148; Constitution and by-laws of, 148-151  
 Pottawattamie Indians, cession of land by, 409, 412, 413, 415, 440; counties in territory ceded by, 411  
 Pottawattamie Reservation, 415  
 Potter, Mr., 361  
 Potter, Franklin Hazen, 130; book by, 620  
 Powell, F. W., bibliography by, 484  
 Powers, H. C., 486  
 Poweshiek County, establishment of, 397; facts concerning, 437; effect of prohibitory law in, 563  
 Prairie du Chien, treaty made at, 414  
 Pratt, Sereno D., article by, 121  
 Pratt, W. I., 330  
 Preëmptions, committee on, in Territorial Convention, 8  
 Prentiss, Sergeant S., 13  
 Presbyterian Church (Sioux City), fiftieth anniversary of, 153  
*Presbyterian Church in Iowa*, 130  
*Presbyterian Churches, Reports upon Early History of*, 315



## 678 IOWA JOURNAL OF HISTORY AND POLITICS

- Presbyterian Historical Society, Journal of the*, articles in, 315, 481, 482
- Presbyterianism in Saline County, Missouri*, 136
- President's Mississippi Journey, The*, 125
- Preston, John S., 13
- Primary Elections and Majority Nominations*, 123
- Primary Law, first trial of, in Iowa*, 496
- Prince, B. F., article by, 627
- Prince Georges County (Maryland), 276
- Principles of the Democratic Party of Iowa, 1846-1857, The History and*, by LOUIS PELZER, 163
- Principles of the Democratic Party of the Territory of Iowa, The History and*, by LOUIS PELZER, 3
- Prisoners of Chance*, 309
- Privateer Lawrence, The*, 628
- Proceedings of the Fiftieth Anniversary of the Constitution of Iowa*, description of, 152
- Procter, Henry A., pursuit of, 269, 270
- Professional Ideals*, 496
- Prohibition, arguments for and against, 61; movement toward, 62; effect of first appearance of, as political issue, 71; campaign for, 75; dissatisfaction with, 87; politics and, 1865-1867, 342; operation of, 541; relation of question of, to political parties, 546; attempt to enforce, 554; reaction against, 581; history of, 622
- Prohibition party, organization of, 362; platform of, 362; discussion of question of maintenance of, 569
- Prohibition State Convention, defeat of third party movement in, 508; bolters from, 508
- Prohibitionists, failure of, 64, 65; persistence of, 64, 65; ultimatum of, 68; attitude of, toward Grimes and Bates, 70; influence of, in election of 1853, 70, 71; pleasure of, at election of Thorington, 71; success of, 73; in campaign of 1869, 347; movement among, to form third party, 348; attitude of, toward Republican party, 350, 351; part played by, in election of 1875, 363, 364; activities of, in campaign of 1877, 370; opposition of, to Gear, 505; opposition among, to separate party action, 507; activity of, in campaign of 1881, 515; joy of, at adoption of Amendment, 527; charges against Republicans by, 528; disappointment of, at defeat of Amendment, 535; efforts of, to secure constitutional convention, 536; war-cry of, 537; aims of, 549; State ticket nominated by coterie of, 550; pharmacy law displeasing to, 554; advantage of executive approval given to, 554; Governor Larrabee praised by, 555, 556; smallest vote polled by, 564; success of, in election of 1887, 564; platform adopted by, 564, 574, 585, 593, 594; discussion of third party question by, 569; fears of, 578; Republicans charged with selling out to, 586; showing of, in Iowa, 603
- Prohibitory Law, agitation in favor of, 64-67; resolution of Whigs in favor of, 69; enactment of first, 73
- Prohibitory Law of 1855, 72; provisions of, 73-75; opposition to, 76, 77; vote on, 77, 78; testing constitutionality of, 78; non-enforcement of, 80; violations of, 80, 81; defects of, 81; Amendment to, 82, 83; petition for repeal of, 83; remonstrances against repeal of, 84; amendment of, by wine and beer clause, 86; dissatisfaction with, 87; reference to, 237, 603
- Prohibitory Law of 1884, 539; provisions of, 540, 541; resistance to enforcement of, 541-545, 547, 548; obstacles to enforcement of, 546, 569; extent of enforcement of, in 1885, 548, 549; desire of Republicans to disclaim credit for, 549; law amending and strengthening, 552, 553, 566, 567; provisions for enforcement of, 554; reason for enactment of, 555; effect of, in closing saloons, 556; means used in evading, 557, 558; difficulties of those attempting enforcement of, 558; question of exportation of liquor under provisions of, 559; breweries and distilleries closed by, 560; table showing effect of, up to 1887, 561-563; letters from judges as to effect of, 565, 566, 571; abuses arising under, 570, 571; success of, up to 1889, 571; source for determining effect of, 571, 572; effect of, up to 1889, 573; disregard of, 577; case to test validity of provisions of, 579; reaction against, 581, 582; leading arguments against, 586; continued efforts to enforce, 588; culmination of reaction against, 594; effect of, up to 1893, 595; amendment of, by mulct law, 598; reference to, 603
- Prosch, Thomas W., article by, 135, 319, 482
- Prosser, William F., article by, 482
- Protective Association, formation of, 514
- Provincialism in Southeastern Pennsylvania*, 135, 316

- Psychology, Elementary Experiments in*, 620
- Public Archives, Second Report on*, 310
- Put-in-Bay, army lands at, 269
- Putnam, Edward Kirby, book by, 474
- Quebec, greetings connected with tercentenary of, 613; tercentenary celebration at, 641
- Quebec, Three Hundred Years After Champlain*, 610
- Quebec and Baltimore, Correspondence between the Sees of*, 134, 319
- Quick, J. Herbert, books by, 130; address by, 486
- Quincy (Illinois), celebration at, 498
- Quincy's, Geschichte der Deutschen*, 480, 628
- Quinton, Richard, attitude of, toward banks, 36
- Race Friction, article on, 462
- Rahrer, In re, 581
- Railroad Engineering, Elements of*, 309
- Railroads, Iowa, Statistical Abstract of*, 619
- Railway Passenger Rates*, 298
- Railway Taxation in Iowa, History of*, 636
- Railways, Administrative Supervision of*, 610
- Railways in the United States, A Congressional History of*, 473, 474
- Raison, River, massacre at, 266
- Rale, Rev. Sebastian, A Typical Missionary*, 133; *the Apostle of the Abnakis*, 319, 320
- Ralph, freedom acquired by, 90; claim of Montgomery to, 91; kidnapping of, 91; trial of, 92, 93; set free, 94; later life of, 95
- Ralph (a colored man), In the matter of, on Habeas Corpus*, 90
- Ramsdell, Charles W., article by, 480, 629
- Ramsey, Alexander, appointed with John Chambers to treat with Indians, 283
- Randall, E. O., article by, 138, 304, 628; report by, 143; reference to, 489
- Randolph's, John, Mission to Russia*, 463
- Randolph Manuscript, The*, 479
- Rankin, Henry W., article by, 116
- Ransdell, Joseph E., article by, 301
- Rantoul, Robert S., article by, 314
- Raritan River, mills of Rowland Chambers on, 252
- Rastall, Benjamin McKie, monograph by, 471
- Rawson, Charles H., sketch of life of, 475
- Ray, P. O., article by, 136
- Raymond, William G., book by, 309
- Raymond, battle of, 101
- Read, Charles F., article by, 462
- Recall, The*, 122
- Reconstruction in Texas, articles on, 133, 629
- Records of the Past*, articles in, 304, 470
- Red Cedar Creek, 410
- Reed, David W., *University Recruits Company C.*, 98; letter of, 100; *Campaign and Battles of the Twelfth Regiment Iowa Veteran Volunteer Infantry*, 100, 101
- Reed, J. R., election of, 538, 539
- Reeder, Andrew H., Governor of Kansas Territory, 220; removal of, 221; criticism of, 222; reference to, 227
- Referendum, The*, 122
- Reform Club, State, resolution of, 509
- Reform Clubs, formation of, 371; number of, in Iowa, 373
- Register and Leader, The*, historical items in, 131, 132, 310, 311, 475, 476, 620-622
- Rehabilitation, The Court of*, 118
- Reichmann, Rudolph, biographical sketch of, 628
- Reid, Harvey, compilation by, 158; article by, 625
- Reid, Judge, a candidate against John Chambers, 265
- Reinagle, Alexander, and the Musical Life of Philadelphia*, 135
- Reinbeck, 570
- Reinsch, Paul S., article by, 306
- Religious Belief, Social Function of*, 461
- Reno, Morgan, candidate for Treasurer, 49, 177
- Representative Government, The Future of*, 306
- Republican party, conception of, 211; convention for organization of, 224; temperance question ignored by, 344, 349; anxiety of, concerning third party movement, 348, 349; attitude of Prohibitionists toward, 350, 351; discussion of temperance question at state convention of, 361, 362, 536, 537; resolution of, favoring prohibitory law, 369; resolution of, favoring prohibitory amendment, 506, 515; charges against, by Prohibitionists, 528; effect of Amendment upon, 528; plank in platform of, favoring prohibition, 537, 549, 563, 573; victory of, in election of 1883, 539; relation of prohibition question to, 546; reason for defeat of, 575; change in attitude of, toward prohibition, 582; temperance plank

## 680 IOWA JOURNAL OF HISTORY AND POLITICS

- in platform of, 584, 585; abandonment of prohibition as party issue by, 592; reason for victory of, 594
- Republicans, attitude of, toward struggle in Kansas, 221; success of, in election of 1856, 230; attempts of, to explain defeat, 574, 575; majority of, in legislature, 578; conference of, at Des Moines, 582, 590, 591; conference of, at Sioux City, 587, 588; desire of, for abandonment of prohibition, 588, 590, 591; outside influence brought to bear upon, 591; attitude of, toward Muley law, 600
- Retrospect of Sixty Years, A*, 309
- Review of Reviews, American*, articles in, 125, 610
- Revista Historica Mexicana*, 496
- Revolution, Catholic Loyalists of the*, 613
- Revolution on the Upper Ohio, The*, by Reuben Gold Thwaites and Louise Phelps Kellogg, by E. H. DOWNEY, 460
- Revolutionary War, persecution of Tories during, 250; commencement of, 252
- Reynolds, J. H., article by, 612; address by, 632
- Rhett, Robert Barnwell, letter from, 323
- Rhode Island, 22
- Rhode Island, its Making and its Meaning*, 154, 308, 309
- Rice, Franklin R., article by, 629
- Rice, S. A., candidate for Attorney General, 204
- Rich, Alfred, candidate for Delegate to Congress, 14, 18; campaign between A. C. Dodge and, 14, 15, 19; reference to, 16
- Rich, Joseph W., 159
- RICH, J. W., *The Color Bearer of the Twelfth Iowa Volunteer Infantry*, 96
- Richard, The Rev. Gabriel*, 316
- Richman, Irving B., work of, in California, 154, 308; book by, 308, 309
- Richman, J. Scott, sketch of life of, 475, 477; obituary notice of, 499, 500
- Richmond, J. F., article by, 138
- Richmond (Virginia), association to meet at, 140
- Ridgley, William Barrett, 466
- Riding in Olden Times*, 478
- Riker, Thad W., article by, 633
- Riley, Franklin L., 326
- Ringgold County, establishment of, 411, 416; boundaries of, 416; facts concerning, 438; effect of prohibitory law in, 563
- Rio Grande River, 53
- Riparian Rights*, 122
- Ripon Historical Society, 457
- Ripley, John, attitude of, toward banks, 36
- Rippey, J. R., article by, 321
- Risley County, establishment of, 418; change of name of, 418, 419, 424, 426; blotting out of, 419; union of Yell County and, 426, 427; reference to, 428; facts concerning, 438, 439
- Rittgers, D. R., 639
- Roanoke Island, Sir Walter Raleigh's Settlements on*, 134
- Roberts, Brigham H., article by, 614
- Roberts, George E., 466
- Robinson, Charles, 227
- Robinson, Gifford S., 637
- Robinson, H. E., paper by, 481
- Robinson, Joseph M., 12
- Robinson, Leonard B., book by, 620
- Robinson, Maurice H., article by, 298
- Robinson, Solon, letter written by, 626
- Roche, Emma Langdon, article by, 612
- Rock River Country*, 142, 458
- Rogers, Julia Ellen, book by, 475
- Rogers, R. V., article by, 316
- Roman Economic Conditions*, 120
- Roosevelt, Theodore, address of, 301, 462, 627; act approved by, 639
- Root, Elihu, address by, 462, 609
- Rorer, David, 10; attorney in case of Ralph, 92
- Rosengarten, Joseph G., article by, 316
- Ross, Sulifand S., nomination of, 46
- Rothrock, James H., 530; opinion of, upholding constitutionality of prohibitory law, 546
- Rowell, Mr., temperance lectures by, 372
- Rowland, Dunbar, appointment of, to committee, 141; paper by, 141; collection of writings of Jefferson Davis by, 153; report by, 321; reference to, 324, 492, 494
- Rowland, Dunbar, *Encyclopedia of Mississippi History*, by JOHN C. PARISH, 109
- Rowland, Kate Mason, articles by, 480
- Royall, Isaac, letter by, 314
- Ruml, W., 494
- Runnells, John S., 333
- Russell, A. F., map drawn by, 392
- Russell, Milton T., sketch of life of, 621
- Russian Expansion Towards Asia and the Arctic*, 633
- Sabula, convention at, 368
- Sac and Fox Cession, 381, 387, 400, 403, 404, 409, 414
- Sac and Fox Indians, treaty with, 32, 379, 396, 397; negotiations with, 283; lands ceded by, 439, 440



- Sac City Institute, organization and history of, 109
- Sac County, establishment of, 418; boundaries of, 418; facts concerning, 438; effect of prohibitory law in, 563
- Sacramento (California), news from, 190
- Sage of Sinnissippi, The*, 153
- Sailor, recollections of a, 477
- Sainsbury, W. M., papers collected by, 478
- St. Clair, Major-General Arthur*, 138
- St. Elmo Hotel, sketch of, 623
- St. Joseph, Michigan, The Conquest of*, 481
- St. Louis nach Detroit, Im Jahre 1842 von*, 628
- Salaries of officers, estimate of, by Democrats, 24
- Salary Loan Business in New York City*, 620
- Salley, A. S., article by, 138
- Salmon, Lucy M., paper by, 142
- Salter, William, article by, 128, 473, 484; reference to, 156; book by, 309; correspondence edited by, 321, 631; service of, 622
- Salter, William, *Sixty Years and Other Discourses with Reminiscences*, by LOUIS PELZER, 290
- Salvation Army, The*, 118
- Sample, H. W., 168
- Sample, William, 186
- Sampson, Francis A., article by, 136; reference to, 144; bibliography by, 481, 630
- Samuels, Benjamin M., 213
- Samuels, Stark H., 215
- Sanborn, Franklin Benjamin, address by, 479
- Sanborn, John Bell, article by, 464
- Sanders, Alfred, 201
- Sandham, John, map presented to Historical Society by, 494
- San Diego, news from, 190
- Sandusky, Lower, 269
- Sandusky River, Ohio, Camp Seneca on, 268
- Sanford, Albert Hart, paper by, 143, 458
- San Francisco, news from, 190
- San Francisco as a Foreign Shipping Port*, 615
- Santa Anna was a Prisoner, Where*, 314
- Santa Fe Trail, monument on, 313; landmark on, 497
- Santo et al. vs. The State of Iowa, 78
- Sanxay, Theodore F., book by, 620
- Sanxay Family, The*, 620
- Saratoga Convention, Treatment of Burgoyne's Troops under*, 119
- Sauk County (Wisconsin) Historical Society, 457
- Saum, George, sketch of life of, 623
- Saunders, William F., 125
- Scalping in America*, 120
- Scandinavian Studies in American Universities*, 619
- Schaffner, Margaret A., article by, 122; monograph by, 462; reference to, 464
- Schenk, Frederick W., 303
- Schiff, Jacob H., 466
- School Children, Physical Welfare of*, 117
- School laws, commission for revising, 332, 333
- Schools, law for teaching effect of alcoholic liquors in, 554
- Schramm, George, sketch of life of, 475
- Schroeder, Theodore, article by, 469, 614
- Schurz, Carl, The Reminiscences of*, 463
- Scisco, L. D., article by, 614
- Scott, Alexander, sketch of life of, 621
- Scott, Charles A., portrait of, 323
- Scott, James Brown, pamphlet by, 463
- Scott, Winfield, 13, 199; attitude of Iowa Democrats toward, 169, 197
- Scott County, establishment of, 387; boundaries of, 388, 389; territory added to, 391; facts concerning, 438; effect of prohibitory law in, 563, 586; effect of mulct law in, 601
- Scott Township, Mahaska Co., Iowa, History of*, 619
- Scott's Purchase, 381
- Scottish Historical Review, The*, articles in, 297, 609
- Scottish Influence in America*, 300
- Scovill, D. W., speech by, 235
- Seager, Henry R., article by, 119
- Sears, Cyrus, article by, 471
- Seashore, Carl Emil, book by, 620
- Secession Ordinance, finding of, in Iowa home, 311, 332
- Second Iowa Infantry, incident in history of, 310
- SeEVERS, William H., opinion delivered by, 530
- Selectmen's Records, Extracts from*, 133
- Sells, Elijah, elected Secretary of State, 230
- Selman, John J., candidate for elector, 181
- Semple, Ellen Churchill, article by, 298
- Senator, nominations for, in 1908, 496
- Senatorial elections in Iowa, sketch of history of, 639
- Senators, joint convention for election of, 165, 166, 171, 185, 212; message of Ansel Briggs concerning election of, 170; first election of, in Iowa, 185, 622



## 682 IOWA JOURNAL OF HISTORY AND POLITICS

- Seneca, Camp, John Chambers joins Harrison at, 268; reference to, 269
- Sergeant Bluffs, account of old settlers' meeting at, 623
- Settlement of the West, Some Jewish Factors in*, 317, 318
- Settler, Oldest, sketch of life of, 131
- Severance, Frank H., presiding officer of conference, 141; work edited by, 320; reference to, 324
- Seward, William Henry, 194, 205, 206, 207, 235
- Seward Whigs, 212
- Seymour, Lucien, article by, 138
- Shambaugh, Benjamin F., appointment of, to committee, 141; reference to, 144, 472, 492; visit of, to Louisville, 247; acknowledgments to, 247; book by, 310; address by, 326, 331, 491, 494, 636
- Shambaugh, Bertha M. H., book by, 475; article by, 621
- Shannon, Governor, 222
- Sharp, Joseph L., candidate for Auditor, 204; defeat of, 210
- Shaw, Albert, books by, 130
- Shaw, Leslie Mortier, book by, 130, 310; reference to, 333
- Shedd, George, 192
- Shelby, Isaac, receives news from Harrison, 266; joins General Harrison, 268, 269
- Shelby County, 416; establishment of, 418; boundaries of, 418; facts concerning, 438; effect of prohibitory law in, 563
- Sheldahl (Iowa), law concerning, 434
- Shell Book, The*, 475
- Shepherd, William P., publication by, 302; guide by, 465
- Sherman, Buren R., recommendation of, favoring Amendment, 516; joint resolution proposing Amendment signed by, 518; election on Amendment called by, 519; reference to, 526, 527; proclamation of, 527; refusal of, to call special session of legislature, 534; rehearing of Amendment case requested by, 534; denunciation of, by Greenbackers, 537. prohibitory law recommended by, 539; recommendation of, favoring continuance of prohibition, 550, 551
- Sherman, John, biographical sketch of, 628
- Sherman, Ward, third party idea promoted by, 507; calling of Prohibitionist State Convention due to, 508
- Shiloh, Grannis at battle of, 99, 101; capture of flag at, 101
- Silk Industry in America*, 120
- Sinclair, William J., monograph by, 616
- Simkhovitch, Vladimir G., article by, 611
- Sioux City, early river traffic at, 312; rejection of Des Moines plan by, 331; resistance to enforcement of prohibition in, 547; newspaper comment upon mob violence at, 547, 548; murder of George C. Haddock at, 558; return of saloons to, 583; conference of Republicans at, 588
- Sioux City, Academy of Science and Letters of, meetings of, 486
- Sioux City, Early Topography of*, 486
- Sioux City Journal, The*, historical items in, 132, 312, 477, 623
- Sioux County, establishment of, 418; boundaries of, 418; facts concerning, 438; effect of prohibitory law in, 563
- Sioux Indians, negotiations with, 283; lands ceded by, 439, 440
- Sixty Years and Other Discourses with Reminiscences*, by William Salter by LOUIS PELZER, 290; reference to, 309
- Skavlem, H. L., monograph by, 627
- Skeletal Remains in North America*, 305
- Skinner, A. J., army experiences of, 476
- Skunk River, 384, 386, 393, 395
- Slaughter County, establishment of, 390; boundaries of, 390, 394; reference to, 391, 393; territory added to, 393; change of name of, 396; facts concerning, 439
- Slave Case West of the Mississippi River, An Early Fugitive*, by JOHN C. PARISH, 89
- Slave Labor Problem in Charleston District*, 119
- Slavery, question of, 201; attitude of Democrats toward, 205
- Slavery and Civil War in Missouri*, 481
- Slavery in New Jersey*, 134, 315
- Sloane, W. M., article by, 611
- Small, A. J., 303
- Small, Albion W., article by, 116, 611
- Smiley, Albert K., 300
- Smith, Charles Henry, paper by, 625
- Smith, Charles W., library classification by, 482
- Smith, Elbert A., article by, 308
- Smith, Fred C., 486
- Smith, Frederick M., 308
- Smith, F. N., 637
- Smith, Green C., 368
- Smith, Harlan I., investigations by, 331
- Smith, Heman C., article by, 308, 472; books by, 310; paper by, 325; reference to, 329, 488
- Smith, Heman Hale, oration by, 617

- Smith, Henry A. M., address by, 133; article by, 480, 625
- Smith, Hiram, monument to, 496
- Smith, John, Governor of Virginia, 128
- Smith, Joseph, monument to, 496
- Smith, Joseph, the Patriarch, 308
- Smith, Justin H., history of Mexican War by, 153
- Smith, J. R., reminiscences by, 488
- Smith, Malcolm, vote received by, 574
- Smith, Mrs. Walter I., 148
- Smith, Z. F., article by, 136, 478, 624
- Smithsonian Institution, Annual Report of, 120
- Smithsonian Miscellaneous Collections, contents of, 304
- Smoky God, The, 619
- Smyth, Robert, 166
- Snell, Colonel, strange chapters in life of, 311
- Snowden, Clinton A., history by, 638
- Snyder, George, 230
- Social Progress, Child Labor and, 613
- Social Progress, Individualism and, 615
- Social Science, Annals of the American Academy of Political and, articles in, 117, 301, 466, 613
- Social Sciences, article on, 116, 143
- Social Statistics and Social Research, Problems of, 609
- Social Work of the Church, 117, 118
- Socialism, Marxism versus, 611
- Sociological Society, American, meeting of, 139
- Sociology, American Journal of, articles in, 116, 462, 463, 611
- Sociology, The Meaning of, 611
- Soldiers' Convention, 342
- Solomon, D. H., delegate to Convention, 223
- Somerset County (New Jersey), 252, 280
- Songs of the Sun, 474
- Sonnets of a Budding Bard, 310
- Sons of American Revolution, prize offered by Iowa Society of, 641
- Sons of Temperance, organization and work of, 57-59; reference to, 340; revival of, 354
- Sons of the Sun, 129
- Sorin, Miss E. A., 97
- Soul Shadows, 474
- Source Book of American History, 611
- South Atlantic Quarterly, articles in, 463, 612
- South Carolina Historical and Genealogical Magazine, The, articles in, 133, 480, 481, 625
- South Carolina, Hutson Family of, 625
- South Dakota, 4
- South Dakota, Department of History of, activities of, 489
- Southern Economic History, Problems of, 633
- Southern Historical Society Papers, contents of, 313
- Spanish Archives, Guide to, 302, 465
- Spanish Fort, battle of, 101
- Spanish Missouri, The Beginnings of, 626
- Sparks, Edwin Erle, The English Settlement in the Illinois, by F. H. GARVER, 113
- Spelling Reform and Authority in Language, 474
- Spencer, Joel, article by, 630
- Spencer, John C., son of, hung for mutiny, 277
- Spencer, Lafayette, journal kept by, 321
- Spirit Lake Massacre, record of experiences in, 158
- Spooner, W. W., article by, 119
- Sprigg, Corbin, 276
- Sprigg, Hannah, 276
- Sprigg, Joseph, marriage of, 264 276
- Sprigg, Joseph, marriage of, to Mrs. Bowie, 276
- Sprigg, Mrs. Joseph, marriage of, 264, 276; reference to, 275, 276
- Sprigg, Osborn, 276
- Sprigg, Samuel, Governor of Maryland, 276
- Sprigg, Thomas, 276
- Sprigg, William, 276
- Springer, Arthur, 333
- Springville, early history of, 476
- Sprunt, James, Historical Monograph, 625
- Stacey, E. E., 486
- Stadden, Corry M., article by, 116
- Stafford, O. F., article by, 484
- Stafford, Wendell Phillips, article by, 136
- Stafford, W. T., 486
- Stanley Government, Gypsies Under, 471
- Stanton, E. W., sketch of life of, 131
- Stark, Major Caleb, in Ohio, 483
- Starr, H. W., 166
- Starr, Miss M. E., statements of, concerning effect of prohibitory law, 595
- State, The Measure of a, 140
- State and Local Historical Societies, conference on problems of, 141; relation of, 491
- State government, evolution of, in Iowa, 3; liquor legislation in Iowa prior to organization of, 55
- State Historical Society of Iowa, The, items concerning, 151, 152, 328-330, 494, 495, 636, 637; officers of, 494

## 684 IOWA JOURNAL OF HISTORY AND POLITICS

- State Historical Society of Iowa, A Brief History of The*, 472
- State Historical Society of Wisconsin, annual meeting of, 142
- State Legislature, The First* (Kansas), 140
- State Sovereignty, The Question of*, 463
- Statehood, discussion of the question of, 19-27, 32-34, 45; commercial arguments for, 22, 23, 24, 25; vote on question of, 26, 27; explanation of changed attitude toward, 34; influence of Democrats in securing, 54
- States, value of political party history of, 3; admission of, 3; formation of constitutions of, 3; sources of political institutions of, 3; problems of admission of, 163
- Statistical Association, American, Quarterly Publications of the*, 117, 609
- Statistics, Use and Misuse of*, 609
- Steen, James, 482
- Stefansson, Herr Jon, article by, 120
- Stefansson, V., article by, 462
- Stein, Mr., 60
- Steiner, Edward A., book by, 131
- Steiner, Bernard C., article by, 318, 628, 629
- Stephenson, W. W., article by, 136
- Stephenson, John S., 197
- Steubenville (Ohio), 252
- Stevens, A. J., election of, 210
- Stevens, John Austin, article by, 119
- Stevens, Thaddeus*, 136
- Stevenson, A. E., address by, 324
- Steward, Isaac J., 210
- Stibbs, Colonel, 99
- Stiles, Edward H., article by, 320
- Stone, Alfred Holt, article by, 462, 633
- Stone Graves of Northwestern Illinois*, 304
- Storms, Albert B., address by, 634
- Story County, establishment of, 404; boundaries of, 404; reference to, 434; facts concerning, 438; effect of prohibitory law in, 563
- Stout, A. B., monograph by, 627
- Strangeland, Charles E., article by, 463
- Strauss, Mose, sketch of life of, 131
- Street, C. H., recollections of, 132
- Street Railways of Philadelphia*, 462
- Strike Statistics*, 609
- Strong, William, speech by, 184
- Struble, George B., amendment to Republican platform by, 592
- Sugar Refining Industry*, 461
- Sullivan, Jerry B., 494
- Sullivan, J. H., speech by, 235
- Sumner, Charles, 205, 206, 207; assault upon, 228
- Sumter, General Thomas, monument to, 133
- Sun Circles, Distribution of*, 306
- Superior, Annals of Early Churches at*, 458
- Superintendent of Public Instruction, act concerning election of, 171-173
- Supreme Court, Political Theories of*, 306
- Supreme Court of Iowa, decision of, relative to liquor law, 353; decision of, in case of Koehler & Lange vs. Hill, 530-533, 534, 535; rehearing of Amendment case in, 534, 535; contest for position of judge of, 538; prohibitory law upheld in, 546; injunction against International Distillery granted by, 559; original package case in, 579; case testing constitutionality of mullet law in, 600, 601
- Supreme Court of Territory of Iowa, case of Ralph tried before, 92
- Supreme Court of United States, case under Iowa prohibitory law decided by, 559; Kansas liquor cases decided in, 560; original package case decided by, 579, 580; Wilson Bill upheld by, 581
- Sylvester, R. H., 241
- Synodical Home Missions*, 482
- Swan, Almer U., compilation by, 619
- Swan, Charles Herbert, article by, 117
- Swan, Laura Prentice, article by, 478
- Swan, Robert Thaxter*, 478
- Swan families, sketches of, 622
- Swedes, 526; Amendment favored by, 527
- Swedish-American Historical Society, Year-Book of, 316
- Swisher, B. F., 637
- Swisher, Lovell, 494
- Switzler, William F., article by, 630
- Taliaferro, L., 10
- Tallahassee, Selection of, as Capital*, 631
- Talmadge Township (Ohio), history of, 628
- Tama County, establishment of, 397; boundaries of, 399, 430; facts concerning, 438; effect of prohibitory law in, 563
- Tampico Expeditions, New Light on*, 318
- Taney, Roger B., decision of, in Dred Scott case, 95
- Tariff, attitude of Iowa Democrats toward, 39, 42, 52
- Tax Receipt, story of an old, 622
- Taxation, Impersonal*, 117
- Taxes in Germany*, 118
- Taylor, Edward Robeson, address by, 124
- Taylor, Francis, John Chambers employed by, 257, 281; removal of, to farm, 258,

- 281; candidacy of, for Circuit Court clerkship, 259; appointment of, 260; objection of, to marriage of sister, 261; John Chambers married at home of, 262; remarks of, concerning marriage of John Chambers, 264; reference to, 275
- Taylor, Graham, discussion by, 463
- Taylor, Hannah (See Chambers, Mrs. John), marriage of, 263, 284; children of, 284, 285, 286; death of, 286
- Taylor, Ignatius, letters of, concerning marriage of Margaret Taylor, 262; servants sent to daughter by, 262; death of, 264; marriage of daughters of, 283, 284
- Taylor, Margaret (See Chambers, Mrs. John), engagement of, to John Chambers, 260; proposed return of, to Maryland, 261; marriage of, 262, 283; death of, 262, 263, 283
- Taylor, William, son-in-law of President Harrison, 272
- Taylor, Zachary, 53; nomination of, 168, 180; attitude of Iowa Democrats toward, 169; favored for President, 177; comparison of Cass and, 180; vote for, in Iowa, 181; denunciation of, 186; eulogized by Whigs, 187; attitude of Free Soilers toward, 189; article on, 478
- Taylor County, establishment of, 411, 416; boundaries of, 416; reference to, 416; facts concerning, 438; effect of prohibitory law in, 563
- Teacher, The Making of a*, 618
- Tecumseh, Chief, 112
- Temperance, politics and, 67
- Temperance, Sons of, organization and work of, 57-59; reference to, 340
- Temperance Alliance, State, organization of, 365, 366; incorporation of, 366; articles of incorporation of, 366, 367; convention called by, 368; resolution of, favoring prohibitory amendment, 504, 509; efficiency of, 505; birthplace of, 512; investigations by, as to enforcement of prohibition, 548, 549; protests of, against separate party, 550; discussion of temperance situation at meeting of, 559; statistics prepared by secretary of, 571; attempt of, to revive Amendment question, 583, 584; division and decline of, 590, 591
- Temperance Association State, resolution of, 355; meeting of, 365
- Temperance Convention, State, 66, 68; resolution of, 68, 552; proceedings of, 349, 350, 360-363; meeting of, 368, 369; plans for enforcing Amendment made by, 527; attitude of, toward defeat of Amendment, 534
- Temperance organizations, disintegration of, 595, 596
- Temperance question, opposition to introduction of, into politics, 67, 68; change of attitude toward relation of, to politics, 68; discussion of, 520
- Temperance Society, State, official organ of, 63
- Templin, James D., 229
- Tennessee, Iowa's political heritage from, 52
- Tenney, Charles D., article by, 482
- Territory, separate, desire of people of Iowa District for, 8
- Texas, attitude of Iowa Democrats toward annexation of, 39, 42
- Texas, Presidential Reconstruction in*, 629
- Texas, Reminiscences of Reconstruction in*, 133
- Texas Baptist Church, The Records of an Early*, 318
- Texas from Fall of Confederacy to Beginning of Reconstruction*, 480
- Texas Missions, Native Tribes About*, 629
- Texas State Historical Association, The Quarterly of the*, articles in, 133, 318, 480, 629
- Texas State Historical Association and Its Work*, 629
- Thames, Battle of the, part of John Chambers in, 269, 270, 281
- Thanet, Octave, book by, 131
- Thayer, Eli, colony planted by, 220
- Thirteenth Century, Intellectual Aspects of*, 612
- Thom, DeCourcy W., article by, 318
- Thomas, David Y., article by, 464
- Thomas, John L., article by, 136, 481
- Thomas, S. E., article by, 637
- Thompson, Henry F., article by, 318
- Thompson, James, defeat of, 192; speech by, 223
- Thompson, Maurice, novel by, 626
- Thompson, William, candidate for Congressman, 168, 176; election of, 169; vote for, 178; contest between Miller and, 181; poll book delivered to, 183; election of, contested, 184; seat of, in Congress declared vacant, 184; second nomination of, for Congressman, 190; defeat of, 192; president of Democratic State Convention, 196
- Thorington, James, candidate for Representative, 71; pleasure of Prohibitionists at election of, 71; reference to, 210



## 686 IOWA JOURNAL OF HISTORY AND POLITICS

- Thornton, Calvin, sketch of life of, 310  
 Thrift, Josiah M., sketch of life of, 131  
 Thrift, W. H., 157, 158  
 Thurston, W. A., 224  
 Thwaites, Reuben Gold, appointment of, to committee, 141; report by, 142; address by, 143, 491, 492; reference to, 144, 145; paper by, 458  
 Thwaites, Reuben Gold, and Louise Phelps Kellogg, *The Revolution on the Upper Ohio*, by E. H. DOWNEY, 460  
 Tippecanoe, Battle of, 265  
 Tisdale, O. D., 215  
 Toledo War, brief account of, 112  
 Tolle, John, 639  
 Toltecs, *Computation of Time Among*, 615  
 Tomlinson, Will, speech by, 229  
 Toof, M. D., book by, 620  
 Toombs, Robert, speech by, 184  
 Topeka Constitutional Convention, 222  
 Tornado of 1821, *The Great*, 479  
 Toronto, University of, *Studies*, contents of, 463, 464, 609  
 Toulman, Harry, President of Transylvania Seminary, 281  
 TOWNER, H. M., *Samuel Freeman Miller*, by Charles Noble Gregory, 103  
 Toy, James F., 486  
*Trade with Foreign Lands*, 299  
*Trade Union and Trusts*, 119  
*Traditions of the Earliest Visits of Foreigners to North America*, 629  
 Traer, history and prospects of, 476  
 Transylvania Seminary, John Chambers in school at, 256, 281  
*Transylvania University*, 624  
*Travels, Personal Narrative of* (Fordham), by Frederic Austin Ogg, by F. H. GARVER, 292  
 Treasurer, State, salary of, 24  
 Treat, Charles H., 466  
 Trenton, Battle of, 253  
 Trimble, Governor Allen, *Selections from Papers of*, 137, 317, 628  
*True Inspiration, Amana: The Community of* (See Amana)  
*True Way of Life*, 618  
*Trusts, Attitude of the State Towards*, 119  
*Truth Defended, The*, 310  
 Tupelo, battle of, 101  
*Turkey in Europe*, 611  
 Turner, Asa, 290, 291, 473  
 Turner, Frederick J., *The West as a Field for Historical Study*, 3  
 Turner, Robert, reminiscences by, 488  
*Tuscarora Expedition, The*, 481  
 Tuthill Proposition, 65  
 Tuttle, Martin, sketch of life of, 131  
 Twelfth Iowa Volunteer Infantry, book on, 96, 100, 101; University Recruits become Company C. of, 97  
*Twenty-Second Iowa Volunteer Infantry, from the Diary of Lieutenant S. C. Jones*, by E. H. DOWNEY, 287; reference to, 309  
 Twiss, George H., article by, 483  
 Two-Mile Limit Law, 373  
 Tyler, Alice S., article by, 128  
 Tyler, C. R., 147  
 Tyler, John, election of, 13; breach between Congress and, 18; reference to, 25; Governor Chambers re-appointed by, 273, 283  
 Tyson, O. N., 224  
 Uleleh, *The Story of Juan Ortiz and*, 631  
 Underground Railroad, article on, 475; reference to, 621  
 Underwood, Joseph H., article by, 297; book by, 475  
 Union Anti-Negro Suffrage Party, organization and platform of, 342  
 Union County, 416; establishment of, 417; boundaries of, 418; facts concerning, 438; effect of prohibitory law in, 563; meeting of old settlers of, 623  
*Unitarian Society of Keokuk, Early History of*, 617  
 United States, cession of Louisiana to, 88; cession of Black Hawk Purchase to, 89; war between Great Britain and, 264  
*United States, History of the*, 299  
 United States Bank, division of parties upon question of, 31  
 University, Iowa State, early days of, 311; address at sixtieth anniversary of, 474; Regents requested to adopt rule against use of liquors in, 602  
*University of Toronto Studies*, articles in, 120  
 University Recruits, officers of, 96; organization and history of, 96, 97; flag presented to, 97  
*University Recruits Company C.*, by D. W. Reed, 98  
 Upham, Warren C., 144; paper by, 491  
 Upper Iowa University, Henry J. Gran- nis, a student at, 96; flag presented by girls of, 97, 101; history of, 476  
*Upper Ohio, The Revolution on the*, by Reuben Gold Thwaites and Louise Phelps Kellogg, by E. H. DOWNEY, 460  
 Vail, John E., paper by, 325, 488  
*Valor, In Praise of*, 307, 309  
 Van Alstine, S., sketch of life of, 475

- Van Antwerp, Ver Planck, 17, 191, 203; opinion of, on question of Statehood, 22; member of Democratic Territorial central committee, 26; resolution by, 167; mention of, for senatorship, 170; nominated for elector, 181; amendment by, 186
- Van Buren, Martin, 5; act establishing the Territory of Iowa signed by, 9; troubles of, 13; approval of, by Democrats, 26; vote for, in Iowa, 181
- Van Buren Convention at Burlington, 14
- Van Buren County, 27, 391, 392; establishment of, 383; boundaries of, 384, 385, 390, 391; territory added to, 393; facts concerning, 438; effect of prohibitory law in, 563
- Van Buskirk Family in America*, 134
- Vancouver Reservation Case*, 319
- Vanderlip, Frank A., 466
- Van der Zee, Jacob, election of, as Research Assistant, 637
- Van Hyning, work on mound in charge of, 490, 631
- Van Norman, Louis E., article by, 610
- Van Tyne, Claude H., guide to archives by, 466
- Van Vliet, In re, 580, 581
- Varga, Stephen, 325, 488
- Veblen, Thorstein, discussion by, 462; article by, 463
- Venable, William H., poem by, 143, 482
- Verendrye and his Sons, Explorations of*, 491
- Vermilion, C. W., 637
- Vermont Historical Society, The Proceedings of the*, contents of, 136
- Vermont, Prehistoric*, 136
- Vestal, Avis Gordon, article by, 617
- Vestner, Mr., advice of, to Major Taylor, 262
- Vicksburg, siege of, 101
- Viele, Philip, candidate for Delegate to Congress, 14; reference to, 197
- Viles, Jonas, collection of documents by, 136; article by, 630
- Virginia, Iowa's political heritage from, 52
- Virginia, kidnappers from, 90; reference to, 273
- Virginia Gleanings in England*, 626
- Virginia Historical Society, Proceedings of*, 317
- Virginia in 1625-26*, 478
- Virginia Magazine of History and Biography, The*, articles in, 317, 478, 626, 627
- Virginia Resolutions, 196
- Virginia State Library, Annual Report of*, 299
- Vogt, Paul L., monograph by, 461
- Wachsmuth, Bernhardine, 329
- Wade, Benjamin, 205
- Wade, Herbert T., article by, 610
- Wagoner, Levi, article by, 625
- Wahkaw County, establishment of, 418; change of name of, 418, 424; boundaries of, 420, 421; facts concerning, 439
- Wakarusa River, 222
- Wake, C. Staniland, article by, 615
- Walker, Francis, article by, 463
- Walker, Henry G., 152
- Walker, Mrs. M., poem by, 308
- Walker, Rev. Jesse, Apostle of the Wilderness*, 630
- Wallace, Benjamin F., 10
- Wallace, William H., 10; Whig candidate for Delegate to Congress, 28; defeat of, 29, 185; reference to, 45
- Wallach, K. Richard, article by, 119
- Walling, A. T., delegate to Democratic National Convention, 223
- Walsh, James J., article by, 134
- Wapello County, establishment of, 397; boundaries of, 400, 401, 434, 435; facts concerning, 438; effect of prohibitory law in, 563, 586
- War of 1812, outbreak of, 264
- War of the Rebellion, Compendium of*, 638
- Ward, Frederick Townsend*, 314
- Ward, Lester F., article by, 462
- Ware, E. F., *The Lyon Campaign in Missouri*, by E. H. DOWNEY, reference to, 131
- Ware, Sedley Lynch, monograph by, 612
- Waring, E. H., article by, 620
- Warner, William W., captain of University Recruits, 96
- Warren, Fitz Henry, chairman of Whig State Committee, 182; conference between Pickett and, 182; appointment of, censured by Democrats, 186; candidate for Senator, 212
- Warren County, establishment of, 404; boundaries of, 404, 405, 424, 425; territory taken from, 406, 407; territory restored to, 407; facts concerning, 438; effect of prohibitory law in, 563
- Washington, George, 112, 493; letter from, to Rowland Chambers, 253
- Washington, George, in Federal Convention*, 118
- Washington, C. H. (Ohio), 358
- Washington, D. C., reference to, 251; refusal of John Chambers to remain at, 272
- Washington (Kentucky), *Autobiography*

## 688 IOWA JOURNAL OF HISTORY AND POLITICS

- written from, 249; reference to, 277;  
Chambers family settle at, 280; refer-  
ence to, 281
- Washington and Ohio*, 138
- Washington, State of, history of, 638
- Washington County, enlargement of, 396;  
boundaries of, 396, 402; facts concern-  
ing, 438, 439; effect of prohibitory law  
in, 563 (See Slaughter County)
- Washington County (Maryland), 283
- Washington Historical Quarterly*, *The*, ar-  
ticles in, 135, 482, 631
- Washington Territory, Military Roads of*,  
482
- Washington Territory, United States Army*  
*in*, 135
- Washington Territory in the War*, 135
- Washo Language of California and Ne-  
vada*, 125
- Wassam, Clarence W., book by, 620
- Water Lilies and How to Grow Them*, 308
- Waterloo, blue ribbon convention at, 373
- Waterman, Nixon, book by, 310
- Waterways, Abraham Lincoln on*, 304, 309
- Waterways, American*, 301
- Waterways Policy, Our National Inland*,  
301
- Watkins, Albert, article by, 469, 614
- Watson, James T., article by, 121
- Way, R. B., article by, 301
- Way of a Man, The*, 130
- Wayne, Anthony, letters from letter book  
of, 112
- Wayne County, establishment of, 404;  
boundaries of, 404; facts concerning,  
438; effect of prohibitory law in, 563
- Weaver, James B., 361
- Weaver, James B., Jr., address by, 496
- Webster, Daniel, 9, 13, 18, 52, 245;  
alarm over appointment of, as Secre-  
tary of State, 17; speech of, 167, 192
- Webster, Daniel, and Old Oregon*, 135
- Webster County, 419, 424; establishment  
of, 426, 427; territory added to, 428;  
division of, 428; territory lost by, 428;  
facts concerning, 438, 439; effect of  
prohibitory law in, 563
- Webster County Historical Society, activi-  
ties of, 634
- Weeks, Lyman H., article by, 120, 301,  
614
- Wells, F. P., paper by, 479
- West, value of, as a field of study, 3; in-  
fluence of settling of, 163; political and  
social development of, 164
- West, History of the*, 331
- West, and the Principles of the Revolu-  
tion*, 469
- West as a Field for Historical Study*, by  
Frederick J. Turner, 3
- West Indies, A Trip through*, 625
- West Point, A Visit to*, 482
- West Virginia University Studies in Ameri-  
can History*, contents of, 467
- Western Bugle, The*, 147
- Western Reserve University, ancient site  
of, 470
- Western Reserve Historical Society, Manual*  
*of*, contents of, 135
- Wheeler, Benjamin Ide, address by, 124
- Wheeler, Henry M., paper by, 625
- Wheeler, Hiram C., defeat of, 587
- Wheeler, T. B., article by, 133
- Whicher, Stephen, presiding officer of  
Whig meeting, 168
- Whigs, attitude of, in election of Delegate  
to Congress in 1836, 6; position of, in  
campaign of 1838, 10; character of cam-  
paign instituted by, in 1840, 13; activi-  
ties of in 1840, 14; victories of in 1840,  
15; charges against, by Democrats, 18;  
attitude of, toward Statehood, 21-27, 33,  
34; warning to, 25; activities of, in  
1843, 28; energy of, in 1844, 30; Na-  
tional Bank policy of, 31; support of  
Miners' Bank by, 31; defeat of, in elec-  
tion of delegates to Constitutional Con-  
vention, 35; attitude of, toward banks,  
36; opposition of, to Constitution of  
1844, 38; convention of, at Iowa City,  
43; resolution of, favoring prohibition,  
69; meeting of, 168; activities of, in  
campaign of 1847, 169; rejoicing among,  
171; divisions among, 181, 212; Mor-  
mon vote coveted by, 182; charges  
against Democrats by, 185; criticism of  
Benton by, 195; last National campaign  
of, 199; support of banking system by,  
201, 202; denunciation of abolition ten-  
dencies of, 208; union of Free Soilers  
and, 209, 210; success of, in election of  
1854, 211; death of, as party, 211; suc-  
cess of, in election of 1855, 215;  
charges against, by Democrats, 218
- Whig State Convention, of 1848, 176; of  
1849, 187; of 1852, 196; of 1854, 206
- Whiskey Insurrection, in 1794, 255
- Whitaker, Bessie Lewis, monograph by,  
624
- White, Charles A., essay by, 484
- White, Fred, nomination of, for Governor,  
496
- White, Horace, address by, 324
- White, R. G., 639
- White, Trumbull, 333
- White, William P., article by, 482

- White Deer Dance, Origin of*, 615  
 White River, battle of, 101  
*Whitelaw, General James, Journal of*, 186  
*Whitman Monument, The*, 135  
 Whitmore, Samuel, 166  
 Whitnall, Rolfe, 152  
 Whittemore, Henry, article by, 120, 300, 614  
 Wickett, S. Morley, article by, 464  
 Wiggins, Mr., John Chambers clerks in store of, 256, 280  
 Wight, William Ward, address by, 142  
 Williams, Dr. Cora, 326  
 Williams, George H., candidate for elector, 196; sketch of life of, 622  
 Williams, Jesse, 53, 186  
 Williams, John J., sketch of life of, 621  
 Williams, John Sharp, 323  
 Williams, Joseph, president of State Temperance Convention, 66; candidate for elector, 181; election of, as Chief Justice, 185; president of Democratic rally, 198; reference to, 229  
 Williams, Lewis Milton, book by, 620  
 Williams, Mrs. James L., paper by, 487  
 Williamson, James A., sketch of life of, 475  
 Wilkinson, W. S., paper by, 325  
 Wilmot Proviso, support of, 177; slavery question focalized in, 179; reference to, 180, 185, 194, 207; Benton's views on, 186; attitude of Free Soilers toward, 188  
 Wilson, George West, death of, 638  
 Wilson, James F., counsel in Amendment case, 530; petition for rehearing of Amendment case filed by, 534; campaign speeches by, 538; bill introduced by, 580  
 Wilson, Thomas S., relation of, to case of Ralph, 92; information concerning Ralph given by, 95; candidate for Senator, 165; vote for, 165; delegate to Convention, 223  
 Wilson Bill, enactment of, 580; text of, 581; constitutionality of, 581  
 Winchester, James, in command of army, 265; defeat of, at River Raisin, 266, 267  
 Wine, Beer and Cider Clause, 86, 87, 603; repeal of, 540  
 Winkler, F. C., article by, 301  
 Winnebago County, establishment of, 418; boundaries of, 418; small area of, 421; reference to, 431; facts concerning, 438; effect of prohibitory law in, 563  
 Winnebago Indians, attempt by John Chambers to treat with, 283; cession of land by, 410, 440; counties in territory ceded by, 411  
 Winneshiek County, establishment of, 411; boundaries of, 411; facts concerning, 438; effect of prohibitory law in, 563  
 Winslow, Walter C., 624  
*Winter Days in Iowa, Some*, 309  
 Wisconsin, Indian land cession in, 413  
*Wisconsin, Archaeological and Ethnological Collections in*, 615  
*Wisconsin, Bulletin of the University of*, contents of, 462  
*Wisconsin, Charles de Langlade, Founder and Father of*, 613  
*Wisconsin, Phases of Economic History of*, 458  
 Wisconsin, State Historical Society of, annual meeting of, 142; celebration by, 323; museum department of, 487, 488; activities of, 634, 635  
*Wisconsin, State Historical Society of, Proceedings of the*, by DAN ELBERT CLARK, 457  
 Wisconsin, Territory of, Iowa District a part of, 4; committee on division of, in Territorial Convention, 8; lack of political organization in original, 9; relation of, to portion of Louisiana Purchase, 88, 89; jurisdiction of, 90; Organic Act of, 92, 382; formation of counties in, 377, 382, 383; establishment of, 382; first session of legislature of, 383; map of, 386, reference to, 388; division of, 393  
*Wisconsin, War Questions in*, 301  
*Wisconsin Archeologist, The*, contents of, 627  
*Wisconsin Historical Collections*, contents of, 133, 483  
 Wisconsin Legislative Reference Department, description of, 118  
*Wisconsin's Emblems and Sobriquet*, 458  
 Withington, Lothrop, compilation by, 626, 628  
 Witter, Amos, bill for prohibitory law introduced by, 73  
 Woman's Christian Temperance Union, organization of, 359; convention of, 368; amendment idea announced at convention of, 503; efforts of, in amendment campaign, 513; petition from, 514; activities of, on day of election on Amendment, 525  
 Woman's Crusade, influence of women in, 505  
*Women in Industry*, 609  
 Woodbridge, J. L., article by, 136  
 Wood, L. K., article by, 314  
 Woodbury County, name of Waukaw County changed to, 424; boundaries of, 434, 435; facts concerning, 438, 439; effect



## 690 IOWA JOURNAL OF HISTORY AND POLITICS

- of prohibitory law in, 563; effect of  
mulet law in, 601
- Woodruff, Clinton Rogers, article by, 462
- Woods, James W., efforts of, to defeat  
Constitution, 40
- Woodward, A. L., article by, 631
- Woodward, William G., opinion of, on  
prohibitory law, 78, 79; candidate for  
Superintendent, 195; elected Judge, 212
- Worcester Society of Antiquity, Proceedings of*, contents of, 625
- Working Man, The Church and*, 117, 118
- Worth County, establishment of, 418;  
boundaries of, 418, 419; small area of,  
421; organization of, 422; facts concern-  
ing, 438; effect of prohibitory law  
in, 563
- Wright, B. F., claims of, concerning be-  
ginning of Amendment movement, 503;  
career of, 621; sketch of life of, 622
- Wright, Carroll, address by, 568
- Wright, George G., dissenting opinion of,  
78-80; reference to, 192; elected Chief  
Justice, 212; counsel in Amendment  
case, 530
- Wright, James, 366
- Wright, John D., candidate for delegate  
to Convention, 46
- Wright County, establishment of, 417;  
boundaries of, 418; reference to, 428;  
facts concerning, 438; effect of prohib-  
itory law in, 563
- Wrong, George M., 120
- Wu Ting-Fang, Minister, address by, 618
- Wyoming Commemorative Association, Re-  
port of Proceedings of*, 313
- Wyoming Historical and Genealogical So-  
ciety*, publication of, 318
- Yale, Student Life at*, 625
- Yale College, The Founding of*, 625
- Yale Graduates, Statistical Study of*, 298
- Yale Review, The*, articles in, 118, 298,  
469
- Yell County, establishment of, 418; blot-  
ting out of, 419; union of Risley  
County and, 426, 427; facts concern-  
ing, 438
- Young, E. K., open letters by, 569
- Young, Frederic G., 484
- Yudin, Gennadius Vasilievich, library of,  
298
- Yukon Territory, Evolution of Law and  
Government in*, 464
- Zeller, E. R., paper by, 325













